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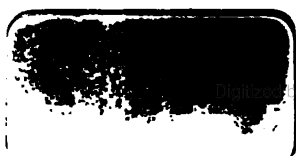
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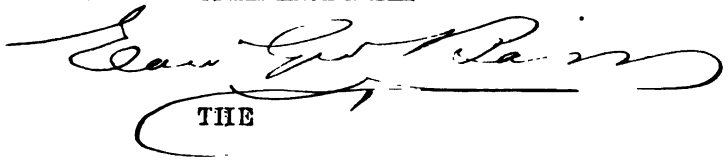






**BRITISH GUIANA.**

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THE

**COMMISSION OF INQUIRY**

**INTO THE TREATMENT OF IMMIGRANTS.**

---

THE

**EVIDENCE AND PROCEEDINGS.**

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**SPECIALLY REPORTED BY W. D. ITHELL, FOR THE PLANTERS' COMMITTEE,  
AND REPRINTED WITH CORRECTIONS FROM "THE COLONIST"  
NEWSPAPER.**

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**VOLUME I.**

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**1870:**

**DEMERARA: L. M'DERMOTT, "THE COLONIST" OFFICE,  
GEORGETOWN.**



# CONTENTS OF VOL. I.

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	PAGE.
<b>FIRST DAY:</b>	
The Commission ...	1
The President's Address ...	2
Mr. Cowie's Statement ...	3
Mr. Jenkins' Statement ...	4
 <b>SECOND DAY:</b>	
Mr. Whitfield's Statement...	5
Mr. Des Vœux's Evidence....	6
Mr. Des Vœux's Letter ...	7
Mr. Des Vœux's Evidence continued ...	29
 <b>THIRD DAY:</b>	
Mr. Des Vœux's Evidence continued ...	81
„ Explanation ...	88
„ Evidence continued ...	89
 <b>FOURTH DAY:</b>	
The Attorney General's Statement ...	135
Mr. Des Vœux's Evidence concluded ...	136
Dr. Shier's Evidence ...	165
 <b>FIFTH DAY:</b>	
Mr. Crosby's Evidence ...	191
 <b>SIXTH DAY:</b>	
Dr. Shier's Evidence concluded ...	257
 <b>SEVENTH DAY:</b>	
Mr. Crosby's Evidence continued ...	317
 <b>EIGHTH DAY:</b>	
Mr. Crosby's Evidence continued ...	387
 <b>NINTH DAY:</b>	
Mr. Crosby's Evidence concluded ...	447





# THE COMMISSION OF INQUIRY INTO THE TREATMENT OF IMMIGRANTS.

*Friday ; First day, August 26, 1870.*

THE Commission was formally opened at noon to-day. Mr. Frere took his seat as President of the Commission, with Sir George Young on his right and Mr. Charles Mitchell on his left.

The Secretary (Mr. N. Darnell Davis) read the Commission, as follows :—

By	His Excellency JOHN SCOTT, Esquire,
BRITISH GUIANA.	Governor and Commander-in-Chief, in
[L. s.]	and over the Colony of British Guiana,
J. SCOTT.	Vice-Admiral and Ordinary of the same,
	&c. &c. &c.

TO WILLIAM EDWARD FRERE, Esquire, Sir GEORGE YOUNG, Baronet, and CHARLES MITCHELL, Esquire; Greeting !

Whereas in a Despatch of The Right Honorable Earl Granville, late Her Majesty's Principal Secretary of State for the Colonies, numbered 187, and dated the Tenth day of March, in this year, I am directed to appoint a Commission to make Enquiry into the Matter of certain Statements contained in a Letter of George William Des Vœux, Esquire, dated the Twenty-fifth day of December, One Thousand Eight Hundred and Sixty-nine, and addressed to His Lordship, and which Statements relate to the Treatment of Immigrants in this Colony :

Now Know Ye that I, having full trust and confidence in your zeal, knowledge, and discretion, do hereby appoint you, William Edward Frere, Esquire, Sir George Young, Baronet,

*Commission.* and Charles Mitchell, Esquire, to be Commissioners to make full, ample, searching, and impartial Enquiry into all such statements, and into all Matters to which such Statements in any way relate, hereby giving and granting unto you, or any two of you, all such Rights, Powers, and Authority as may now or hereafter be legally granted to you, and as may be necessary for the due execution of this my Commission, and I do will and require you to make full Report to me of your Enquiry, and of all the Evidence which you may take in pursuing the same.

Given under my Hand and the Public Seal of the Colony, at the Guiana Public Buildings, Georgetown, Demerara, this 25th day of August, 1870, and of Her Majesty's Reign the Thirty-fourth.

By His Excellency's Command,

J. M. GRANT, Government Secretary.

*President's  
Address*

The President then declared the Commission open and proceeded to read the following address :—

The Commissioners are charged, according to the terms of the Commission you have just heard read, to make inquiry into all matters and things whatsoever to which the statements made in Mr. Des Vœux's letter to Her Majesty's Principal Secretary of State for the Colonies, regarding the treatment of Immigrants into this Colony, relate. We are instructed to make it of the fullest, most searching and impartial character ; and it will be our earnest endeavour to carry out these instructions. We intend in the first place to examine the nature and grounds of the charges brought forward in the letter which gave rise to this Commission. We shall also require the assistance and co-operation of Government Officials in charge of or connected with the Immigration Department, and of several others whose duties give them special means of knowledge. We shall naturally (and not only because we know it to be the desire of those in authority) take especial care should the evidence before us involve imputations of any kind upon any persons or class of persons, to allow them the fullest opportunity of testing the accuracy of such evidence, and of giving or producing contrary evidence in answer to such imputations.

We invite all persons possessed of special information or experience in the subject of inquiry to communicate, either by writing or in person, with our Secretary, stating the general scope and tendency of the evidence they proffer.

*President's  
Address*

It is our intention and wish that the inquiry should be an open one, and the publication or non-publication of the details in the public press must in general be left to the discretion of the gentlemen connected with it. We must, however, request the reporters who are permitted to be present and their employers to attend to any suggestion they may receive to omit from their reports matter of which, in fairness to individuals, it may appear expedient to defer or suppress the publication.

We further desire it to be understood, that should the object of the Commission in our opinion require it, we shall take evidence on any particular point, or from any particular person, in private.

We are glad to find that persons taking an interest in the subject of this Commission have secured the assistance of able and learned counsel. It is our duty to conduct the inquiry ourselves and personally to examine all witnesses. But we shall gladly pay attention to suggestions or requests from counsel, or any other competent persons, not only in the examination of witnesses on any specific point, but in calling for and taking evidence to support or rebut anything that might be adduced before us.

Mr. Cowie rose and said—I take this opportunity of stating that I appear on this occasion to represent in this inquiry those whom I may call the employers of labour. My immediate clients are the West India Committee, in London, who, I believe, represent the large body of planters in this colony. I take this opportunity of stating also—and I am very glad to be able to do so at the earliest opportunity—that in appearing as I do it is not my intention to take a side in the inquiry; but that it is my object as much as possible to assist the Commissioners in every way I can in carrying out the enquiry in the way in which it is the duty of the Commissioners to carry it out; either by examining witnesses or by suggesting to the Commissioners questions to be put to the witnesses, or in any other way, it will be my only desire to have the truth fully and completely elicited and the inquiry carried out as thoroughly and effectually as possible.

Mr. Jenkins—I appear here on behalf of the Coolies generally.

*President's  
Address.*

I am instructed by Messrs. Richard and W. B. Smith, of London, the attorneys of the Aborigines' Protection Society and the Anti-Slavery Society. I shall, like my learned friend Mr. Cowie, occupy very much the same or a similar position to that which he occupies. I do not propose to lend myself to, or to go further than he proposes to go, in the advocacy of any particular side; and in so doing I shall act in strict conformity with my instructions. I have also received special instructions from between a thousand and eleven hundred Coolies to appear on their behalf, and I shall claim the right if necessary to call them as witnesses, and to ask you to inquire into their cases. But I shall feel it my duty, before bringing any of those cases before the Commission, to endeavour as far as possible myself to investigate the probability of the charges they propose to bring, so as to save the Commissioners the enormous amount of time and trouble it would take to investigate matters which very likely will be of but little consequence. I shall be prepared to give in a list of the names of the Coolies for whom I appear, some of whom live on nearly every estate in the colony, either to-morrow or at the beginning of next week.

*Order of  
Proceeding.*

Mr. Cowie—Perhaps I may be allowed to ask this question: Am I to understand that all questions put to witnesses, whether summoned by the Commissioners or who may be tendered, will be put through the Commissioners themselves?

The President—Yes; we must examine the witnesses ourselves. Of course any suggestions that may be made will be listened to, but we cannot make it a case of examining and cross-examining witnesses, as if it were a suit between two parties.

Mr. Jenkins—Perhaps you will allow me to ask whether you will pursue the course that was pursued in the Jamaica inquiry.

The President—Yes; the same course that is pursued before Parliamentary Committees in England. The Commission is now adjourned until ten o'clock to-morrow.

Mr. Cowie—Will the Commissioners begin to take evidence to-morrow—oral evidence of witnesses?

The President—Yes; we have desired Mr. Des Voeux to attend.

Sir George Young—Of course, other witnesses will be summoned, but summonses could not be issued until the Commission was opened.

The Commission then adjourned until to-morrow, at ten, a.m.

*Second day ; Saturday, August 27, 1870.*

---

THE Commissioners took their seats at ten o'clock exactly.

Mr. Whitfield rose and said—Before the Commission proceeds to business, with its leave, I beg to address a few remarks to it <sup>27th Aug. 1870.</sup> Two gentlemen appear here ; one of them, Mr. Cowie, has stated that he appears on behalf of what he calls the employers of labour, the planters ; the other, Mr. Jenkins, states that he is retained by the Anti-Slavery Society and the Aborigines' Protection Society. Previously to these appearances being announced, the President of the Commission stated that the Commissioners would receive suggestions and would put to the witnesses questions suggested by competent persons, I beg to state for the information of the Commissioners that I have placed myself in communication with the English press in connection with this Commission, and that it is my intention to attend its sittings. I beg to say further that I do so in connection with the general question of Emigration. I consider that in this colony a great experiment is being tried which, I think, may be considered capable of general application.

The President—I do not think that has anything to do with the business of the Commission. If anything arises in the course of our proceedings —

Mr. Whitfield—Will your honor allow me to conclude my remarks ? I think that in the interests of political science the great experiment as to the natural alliance between labour and property now being carried out here, in the interests of the Empire generally, should be fully understood ; and it is my intention to bring it to the notice of the English press.

The President—You are only interrupting our proceedings. Will you be good enough to sit down ?

Mr. Whitfield then resumed his seat.

Mr. Cowie then said—Before proceeding with the examination



of Mr. Des Vœux I have an application to make. The Government has decided, no doubt very properly, that all applications for papers and documents connected with the inquiry, and for returns which have been communicated to the Government by any of its officers, shall be made through the medium of the Commissioners. I shall, therefore, be very much obliged if the Commissioners will ask the Government to give a return of the amounts, which have been deposited by immigrants in the Savings Bank.

The President—If you will make the application to the Secretary, he will bring it before us, and whatever we think right will be done.

*G.W.DesVœux  
Esq.*

Mr. Des Vœux was then sworn and examined by the President.

27th Aug. 1870.

Q. 1. Your name is George William Des Vœux?—A. Yes, that is my name.

Q. 2. You wrote a letter on the 25th December last to Earl Granville, Secretary of State for the Colonies, drawing his attention to the state of the Colony of British Guiana?—A. I did.

Q. 3. Have you a copy of that letter?—A. I have not with me; I have in the colony.

Q. 4. Here is a printed copy, which we have received from the Governor?—A. That has various misprints in it; it is not a correct copy; but a short time would suffice to make it so.

Q. 5. If we put in this as the letter, will it suffice?—A. There are one or two rather important corrections to be made in it.

Q. 6. Can you point them out?—(No answer.)

Mr. Jenkins—May I be allowed to suggest that Mr. Des Vœux should send for the copy he has in the colony?

Q. 7. The President—Is it at hand?—A. My house is at the other end of the town, and I should have to go myself for it. That copy is quite sufficiently correct for to-day at all events.

Q. 8. Sir George Young—You can point out any misprints which occur in the various paragraphs as we come to them. Subject to those corrections we may accept this as a sufficiently correct copy for the purposes of the inquiry?—A. Exactly.

## MR. DES VŒUX'S LETTER.

*Mr. De Vœux's  
Letter.*

Government House, St. Lucia, 25th Dec. 1869

25th December, 1869.

My Lord,—I have long had the intention, which I have been prevented by various causes and lately by the pressure of other public duties from carrying out, of drawing your Lordship's attention to the state of the Colony of British Guiana, where I was lately holding the appointment of Stipendiary Magistrate when your Lordship graciously acceded to my application for promotion.

2. But in view of the serious disturbances which lately took place at plantation *Leonora* and the more recent meeting of West Indian proprietors in London, which has shewn that, while alive to the unsettled state of the Colony and anxious of obviating its effects, they are either unaware of, or are regardless of removing, its causes, I felt that I should no longer delay the performance of what I conscientiously believe an obligatory duty.

3. Knowing as I do that there is a very wide-spread discontent and dissatisfaction existing throughout the immigrant population, both Indians and Chinese, (and especially among the latter, though their small numbers make the fact less apparent) and believing, as I do, that these ill feelings, which have already vented themselves in disturbance, will ere long, unless checked by remedial measures, result in far more serious calamities, and, believing also that my five years' peculiar experience in the Colony enables me to throw a light on the causes of grievance, which may not reach your Lordship from any other source, and may be useful at the present moment, I trust that I need no other apology for communicating with you on a subject unconnected with my present duties.

4. If your Lordship should approve, I would in a future letter explain the peculiar grievances of which the Chinese have to complain, and which I believe to be so real and just as to furnish a strong argument against a renewal of that description of immigration, unless under far more stringent supervision. At present I propose to confine myself to those suffered by all classes of immigrants alike.

5. To superficial observation it would seem, that persons who have been rescued from a state said to be bordering on destitution in their own country, who are provided with free houseroom, regular work and wages when they are in health, and in sickness, have the advantages of a hospital, the attendance of a medical man and medicines free of expense, who have moreover a magistrate always

*Mr. DesVoeux's Letter.*  
 25th Dec. 1869. at hand to hear their complaints, and a department of officers with the especial duty of securing their good treatment, can have no ground for dissatisfaction. A closer scrutiny, however, would detract much from the apparent value of these advantages, and would show that some of them at least are more nominal than real.

6. I propose to point out that each of them is in fact a separate cause of discontent, and in each case most respectfully to suggest what appear to me the best remedial measures.

7. And, first, as to the medical men who attend estates. These gentlemen have the right to retain as patients in hospital all sick immigrants, and to order for them at the estate's expense nourishing food and medicine. It would be thought that Managers would always see their advantage in providing these of good quality. I fear, however, that there are many who are not sufficiently enlightened to take this view, and I have strong reason for believing that on some estates the food at least usually provided in hospital, in all but the severer cases, is of a wretched description, and that this fact is well known to the medical men, who dare not make complaint.

8. I am, moreover, confident that it is a common practice of medical men to discharge immigrants from treatment before they are completely cured; and to this may be attributed a large proportion of the cases of so-called idleness which are brought before magistrates. By the strict letter of the law, an indentured immigrant is bound to do his daily task of work, if he is not in hospital; and though the magistrate has a discretionary power of declining to convict, if he believes the accused is physically unable to work, it is difficult for him, on account of the accomplished malingering propensities of the Coolies, to decide in other than extreme cases against the expressed opinion of the doctor.

9. The consequence of this I believe is, that of the great numbers of immigrants who are weekly committed to gaol for breaches of contract, a very considerable proportion are convicted of neglect to do what they were physically incapable of doing; and whether my belief is just or not, I know that a sense of the injustice of such convictions is a very potent cause of the prevailing discontent.

10. The remedy which I would most respectfully suggest for this serious evil, and which I have urged without success on more than one Governor, is simple.

11. It is to make the estates' medical men Government officers, payable either out of the Immigration Fund, or by a tax directly levied for this purpose on the proprietors.

12. At present their tenure of office is almost entirely dependent

on the will, or rather the caprice, of the managers of estates. *Mr. Des Voeux's Letter.*  
 Several of the most upright of them have at different times de-  
 plored to me their position in this respect; and have shewn me that *25th Dec. 1860.*  
 any serious complaint on their part in respect of abuses which they  
 saw going on under their eyes, would only be followed by the loss  
 of their livelihood, and the instalment in their practice of less  
 scrupulous practitioners.

13. It is scarcely to be wondered at that few are to be found sufficiently highminded, especially when they have families dependent upon them, to adopt so dangerous a course. One, however, to my knowledge, did so, and he has in consequence, though known to be of great skill and ability in his profession, obtained but a very small practice, while estates almost at his door were entrusted to a person who is notoriously incompetent.

14. I could mention several startling instances from my own observation of the evils attending this dependence of medical men. But two of more than ordinary gravity your Lordship will probably deem sufficient for my purpose.

15. (1). A Chinese immigrant had been dreadfully beaten by an Indian watchman, while in the act of stealing. He was taken to the estate's hospital with five fractures of limbs,—two compound and three simple, both legs and both arms being broken, if I recollect rightly. His wounds were dressed by the sick-nurse, but the doctor on arrival ordered his removal in a cart to his own estate, a distance of  $2\frac{1}{4}$  miles, the very day on which he had received the injuries. The natural result followed. The patient died the next day. On the inquest, held before me as Magistrate of the District, the doctor justified his order on the ground that the man was "doing extremely well" (if I recollect the words rightly) when he was removed, while another medical man, who attended the patient on his own estate, gave his opinion that he would probably have lived but for his removal. I sent the proceedings in this case to the Attorney General,\* but no notice was taken, as far as I know, of the doctor's conduct, who sacrificed a life in order to save a trifling expense to his employer.

16. It is a significant fact that this gentleman, although holding a lucrative government appointment, and having a large practice in town, is employed by several large estates at a distance of several miles, and that some of these are separated from him by the river, which owing to the ferry-boat ceasing to run, is practicable impassible at night, while they are within easy reach of two equally competent but reputedly more scrupulous medical men residing on the same bank of the river.

17. (2.) A Coolie boy about twelve years old, a general favourite

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\* Mr. Trounwell Gilbert, acting.

*Mr. DesVaux's Letter.*  
 25th Dec. 1869. on his estate, had been barbarously murdered for the sake of the silver and gold ornaments on his person. An inquest had been held before an ordinary Justice of the Peace and an open verdict returned. On reading the evidence, I ordered the examination of the body and a further *post mortem* examination. Your Lordship will find it difficult to believe, but it is nevertheless true, that it was then for the first time discovered by the surgeon that one of the boy's arms had been cut off. The nature of the first examination can therefore be imagined.

18. The medical man who was thus neglectful of his duty has one of the best, if not the best estate's practice in the colony; and although resident in town, is allowed to have the sole medical charge of a hospital, which in my time contained frequently over 80 patients, at a distance of seven miles, and several other hospitals at distances of from four to six miles, one of them in a direction opposite to that of the others.

19. The present Governor contemplated, he informed me, a reform of this and similar abuses, and I can well understand that the heavy legacy of duty and difficulty which was left to him has prevented its speedy accomplishment.

20. These illustrations of the system of medical attendance were both derived from my personal experience in one district. From all accounts I believe them to be by no means exceptional, and I would remind Your Lordship that there are ten other districts in the colony containing sugar estates.

21. The reform which I propose would not only render all the medical men more fearless in the performance of their duty, but would give even the more conscientious among them increased power of usefulness. Their practice would be concentrated, and they would avoid the necessity which now exists of making visits at long distances, while rivals are in charge of hospitals in their immediate neighbourhood. The change would therefore be an equal boon to the profession and to the immigrants.

21. The independance of the Stipendiary Magistrates is of even greater importance to the immigrants than that of the doctors. But, at present, these officers are almost equally, though not as directly, subject to planting influence; and their decisions, in consequence, are, I believe, the chief cause of the prevailing discontent. They have, for the most part, risen from inferior positions, and have been long resident in the colony before their appointment as magistrates. They have thus insensibly acquired that awe of the powerful planting interest which more or less pervades all classes and reaches to the highest places.

22. Moreover, while by their antecedents and their education they are, as a rule, not superior, in position and emoluments they



are actually inferior, to the managers of estates who form their society, and are the chief suitors in their Courts.

*Mr. DesVaux's  
Letter.*

25th Dec. 1869.

23. Again, these latter are enabled by the large resources at the command of the estates, in many ways (singly too insignificant to describe) to soften the harsher features of the Magistrate's life, and have still larger means of heaping upon him trouble and annoyance.\*

24. Your Lordship will readily understand that against such persons and in the Courts of such magistrates an immigrant is by no means certain of obtaining his rights, and I do not hesitate to assert, not only from what I have commonly heard, but from personal observation, that they do not; and that they are thus often reduced to a position, which in some respects is not far removed from slavery. The most trifling offences too often subject them to loss of wages and exorbitant fines, or the alternative of certain punishment in gaol, and they are governed, not by kindness and good treatment, but through fear of the severity of the law.†

25. There are some well known Managers who give out publicly that the immigrants on their estates shall be always, during the hours of work, either actually at work, or in the hospital, or in gaol; a rule which can undoubtedly be enforced by the strict letter of the law, but which, invariably and rigorously carried out, inflicts extreme hardship in many individual instances, especially in the case of women who are † *enceinte*, or nursing young children, or when the immigrants are weakened from the effects of fever and illness, but being convalescent are not retained in the hospital.

26. It is commonly said that the Governor has the power of

\* As an illustration of the low comparative estimation in which the Stipendiary Magistrates are held in Demerara, I may mention that they are habitually known among persons who claim to represent "education and intelligence" by an approbrious nickname peculiar to that colony. The Government, moreover, in its public notices, assists in degrading their position by almost always, if not always, placing them after "the Gentlemen in charge of Estates." As to the character and social position of these, I would refer your Lordship to the report to his Government of a highly educated and intelligent Hungarian gentleman, Colonel Figglesmesey, who is Consul of the United States; a report which, though made by a comparative stranger in the colony and within a year of his arrival (1864), confirms to a great extent many of the statements of this communication as to the condition of the Indentured Immigrants.

† I speak only of the majority of Estates. There are a very few notable exceptions which, as will be shewn below, have reaped both direct and indirect advantages from the better treatment of their labourers.

‡ A manager was once highly indignant with me for refusing to punish for neglect to perform the ordinary task of work a woman who pleaded her delicate condition in this respect, and was evidently by her appearance near her confinement. He actually went so far as to appeal from my decision as a means of testing my right to withhold a conviction on such a ground. I may mention that the support of my decision in this and other immigration cases, was one of the chief real, though not ostensible, causes of the hatred of the planters for the late unfortunate Chief Justice, a gentleman who incurred far more hostility in Demerara from his many sterling virtues, than from the indiscretion which was the cause of his removal from the Bench.

*Mr. DesVoeux's  
Letter.*

25th Dec. 1869.

counteracting the influence of the planters to a great extent by changing the districts of magistrates who have become too popular with them. But this power, instead of checking, has, as frequently used, contributed in fact to increase this influence, for it is generally believed, whether truly or not, I forbear to express an opinion, that changes of districts, which have been ordered of late years, have been brought about not on account of the magistrates' familiarity with the planters, but of their being obnoxious to them. Changes, unless for some private reason specially asked for, are as a rule dreaded by magistrates, on account of the great expense which is necessarily involved. Owing to difficulties of carriage and, too often, of pecuniary embarrassment they are obliged to sell their furniture and effects. The price realized by these, owing to the persons in a condition to purchase being mainly planters, is notoriously dependent on the popularity among them of their owner.

27. So that to avoid, not only removal, but the loss consequent on possible removal, the magistrate has an inducement to curry favour with the planters.

28. In order to convey to your lordship a real and vivid illustration of what I have above described, I am reluctantly compelled, from want of other means of doing so, to relate somewhat minutely my own personal experience; though I have the less fear of incurring suspicion of egotistic motives from the belief that I have already gained your lordship's good opinion, and the knowledge that any material reward which I could hope for any service in Demerara has been already obtained from your lordship's favor.

29. In February, 1867, during the absence on a year's leave of the regular magistrate, having been previously in a district containing only one Sugar Estate, I was appointed, in highly complimentary terms, by Major Mundy, then administering the government, to take charge of the most populous and important district in the colony: a recognition of my public merits, the more honorable to its author in that there were at the time existing causes of private difference between us.

30. The gentleman who had been my predecessor in the district is by common repute one of the best and most impartial of the magistrates. He is possessed of some private means, and as the district extends to an equal distance on either side of Georgetown, and thus enables residence there, he is comparatively independent of the planters and their society. He is more so from his age, long service, and experience entitled to more than ordinary respect.

31. His district, as I found it, may therefore be taken, for my purpose, as a fair, if not a favourite, sample of the others.

32. Almost the first, if not the first, week of my entry upon my new duties, I found confined in the "lock-ups" of the police stations,

a number of persons, and immigrants among others, who had been arrested without warrant, on the mere order of managers of estates, for neglect of duty and other simple breaches of contract. On the mere sight of the charges I, of course, discharged them, as being in illegal custody, and, continuing this practice subsequently, I at once aroused the indignation of several influential managers; who severally, at one time or another, in no very courteous language, threatened legal proceedings and other means of intimidation. But finding that their pressure did not affect my course, and that it was moreover supported by the law, they devised various contrivances to evade its effects.

*Mr DesVoeux's  
Letter.  
25th Dec: 1899.*

33. I should be occupying too much of your Lordship's time by particularizing these, but I would venture to describe one as characteristic of the class which furnished its author.

34. The Magistrate sits as a rule only once a week at each Police Station. From the knowledge of this the expedient\* was adopted of sending the prisoners to the lock-ups the day after the Court, in order to insure their being at the least a week in confinement, "remands" being provided from brother managers who were also Justices of the Peace.

35. To defeat so glaring a breach of the law, I was obliged to order the police at each station to forward me daily returns of the prisoners, and thus the evil was eventually checked.

36. I found that it had been the practice to bring before the magistrate for breaches of contract, the immigrants of particular estates in gangs, for the purpose of their being tried altogether, and thus more rapidly disposed of, and my refusal to allow this practice was taken as a great grievance. As the charges are nine times out of ten for various forms of neglect to work, an offence which, except in the rare instance of a conspiracy, is never "joint," and involves in each case different circumstances and a different line of defence, your Lordship will understand that my course was necessitated by the commonest dictates of justice. Though, possibly, in the large majority of cases the immigrants are really idle and culpable, the practice which I have described must have rendered it almost impossible to detect the exceptions.

37. I found in existence a practice, which I believe is still prevalent all over the colony, of forcing the doors of immigrants' houses, for the purpose of what is called turning them out to work, and also of doing the same and searching their rooms without warrant for stolen goods, and even sometimes when there was only a suspicion of theft. I frequently suggested to the immigrants in their complaints respecting such acts that they should bring criminal charges against the aggressors; but, although their fears invariably prevented their adoption of this course, I believe that the mere hint had the effect of checking a practice which, I was given to understand, had never before met even with reproof from the Bench.

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\* Subsequent experience has convinced me that this expedient is a common one throughout the country, even in the districts of the most complacent magistrates, as it ensures some punishment, is done with perfect impunity, and obviates the trouble of prosecuting in court.

*Mr. DesVaux's  
Letter.*

25th Dec. 1840.

38. I found that invidiously distinct positions in Court were assigned to managers of estates, some of them, on the ground of their being Justices of the Peace, being allowed to remain on the Bench even during the trial of their own cases.\* This may seem a trivial matter, and in England it probably would be so, but it is otherwise in a country where race-jealousies are so predominant, and where suspicion of undue favour is so easily and often, I fear, so justly aroused. Indeed, my further experience convinced me more and more that the tolerance of such a practice was the crigin of much discontent, as giving the appearance of partiality even to the conscientious magistrate.

39. In this District the ordinarily extreme severity of the magistrate's work, which involves the trial annually of between four to five thousand separate informations and complaints, besides inquests and depositions for the Superior Court, was greatly increased in my case, not only by attempted reforms of the above abuses, but by another circumstance for which I was in no way responsible.

40. The regular clerk (only one is allowed), went away on leave, and when I had, after great trouble, educated his "locum tenens" to work of which he knew but little before, the latter was removed at three days' notice, and in spite of my firm and most respectful remonstrance, and replaced by another, who had actually no acquaintance whatever with the routine of a Magistrate's office; consequently I was obliged, though in very weak health, after sitting the greater part of the day, to spend a large portion of the night in teaching the simplest duties of the office, rather than give my openly-avowed enemies among the planters, who believed that they were supported by the Governor,† the opportunity of complaining that the district work was getting into arrear.

41. No complaint was, or ever could have been, made against me on this ground, and I can conscientiously say that I performed the whole of my duties thoroughly, and as I have reason to know, to the satisfaction of the large majority of the inhabitants of the district. I was, however, for reasons not stated to me, removed from the district at a few days' notice a month before the expiration of the leave of the regular Magistrate, and the public naturally concluded that the planters had been the cause.

42. After an interval of eight months, during which I had no concern with immigrants, I was again, at a few days' notice and without reasons

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\* One of these indeed was made highly indignant by my refusing to permit his whispering to me upon the subject of a case before me in which he was complainant.

† This belief was a matter of notoriety, but in proof of it, I may mention that one of my most determined and powerful enemies, whom I had curbed in various illegalities, delayed for two months, while Major Mundy was acting, and until the return of Mr. Hincks, to make a complaint against two of my decisions, which I venture to say was not only groundless, but should never have been entertained by the Executive. I respectfully remonstrated against it being referred to me, both the acts complained of being the proper subject of legal appeal, but with no other effect than a reprimand. I should, however, never have referred to the subject again, but that I am otherwise unable to show in the strongest light the pressure under which a magistrate may be subject in Demerara, and how very strong are his inducements to quietly submit to the planters' wish.

given and at an expense of £250 to myself, removed\* to another district which I had been offered and declined a few months before, my respectful request for only a month's delay on the ground of peculiar inconvenience to myself being refused. *Mr. Des Vaux's Letter.*  
25th Dec. 1899.

43. In the new district, called that of the West Coast, which is only second in importance to that above mentioned, I found all the abuses before alluded to existing in an even more exaggerated form, and moreover that cruelties were being practised on the immigrants, apparently without check or hindrance.

44. The Manager of the largest estate which, as making annually close upon two thousand hogsheads of sugar, is second to none in the British possessions, was brought before me on the complaint of a Coolie for assault.

45. It appeared from the evidence that the man had been knocked down for leaving the sugar house at eight o'clock on Sunday morning (a day on which the immigrants are legally entitled to rest) he having been at work, with the mere intermission of meals, from an early hour on the Saturday previous.†

46. Another manager, at an almost equally large estate, was proved before me to have knocked down a Coolie immigrant and to have kicked him repeatedly while on the ground, causing bruises about his chest and other parts of his body.

47. With respect to this "gentleman," I further was informed afterwards that he had been repeatedly guilty of similar acts, and that the sufferers had been either afraid to complain or believed that there would be little use in doing so. On one occasion, however, the assault had been upon a Coolie who had saved money, and who, having employed a lawyer, compelled his assailant to pay a large sum to compromise an action for damages in the Supreme Court.

48. In these cases I fined the guilty persons heavily, and informed them that a second offence would involve either imprisonment or the sending of the case before the Supreme Court. I believe that this had the effect of checking the evil to a great extent for the time at least. But it is a significant fact that the first of these offences was committed on plantation *Leonora* where the disturbance broke out three months after my departure.

49. The reform of all these abuses was not accomplished without

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\* Two days before this occurred I had firmly but respectfully declined to disclose officially a private conversation which occurred at my own table.

† I have strong reason for believing, though the fact is concealed from the authorities, that it is no uncommon practice to enforce from the immigrants (in spite of the law) from 16 to 20 hours' work in the sugar house. In proof, I may mention that a part proprietor of several large estates, Mr. Quintin Hogg (a partner in the firm of Bosanquet, Curtis and Co.) expressed to me, during his visit to Demerara last year, his horror at finding that the immigrants on one of his estates had been for some days worked for 23 hours per day, and added that the manager was aggrieved at his interference in ordering the employment of relays. It is hardly possible to conceive that human nature could have stood so severe a strain, and the time may have been exaggerated, but inasmuch as the statement, as coming from a proprietor was in the nature of a confession, it could hardly have been far from the truth.



*Mr. DesVoeux's Letter.*  
 25th Dec. 1869. arousing against me again the enmity of the planting body, while my compulsory residence among them gave them opportunities of displaying it in a more disagreeable form.

50. The simplest and plainest public duty, whenever clashing with the supposed interests of an individual, was instantly treated as a personal injury. Beginning with the withdrawal of ordinary courtesies, the managers, as one after another was interfered with in his malpractices, at length in concert began to subject me to a series of petty insults and annoyances which were beginning to make life intolerable. Without a description of these your Lordship will readily understand that they were easily in their power in the case of one who was living alone upon a sugar estate, (no house being procurable elsewhere), and whose only neighbours were persons connected with the plantations.

51. After other expedients had failed of effect, and a new Governor having by this time arrived, they at length attacked me in the press, availing themselves of a newspaper called the *Colonist*, which is the organ of the planting interest.

52. I mention this, because the occasion which called forth the attack singularly illustrates the spirit of the planting body.

53. The person offended I had believed to have been more high-minded than his fellows and capable of appreciating strict performance of duty, even when apparently adverse to his own interest. For this reason, and because I was informed that he never entered a magistrate's court, I had accepted from him a short time previously some trifling hospitality.

54. However, when I had discharged from custody, as being in illegal confinement, three of his Chinese labourers, who had been arrested in their own houses, without warrant, for mere breach of contract, this gentleman came deliberately down to the police station, where I was holding court, and grossly insulted me before a crowd of people and a large number of managers, who had evidently collected for the purpose of witnessing the scene. Having no power of committing for contempt, I could merely order his removal from the court, but as he was a special justice of the peace, and, therefore, the last who should have set such an example, I appealed in person to the Governor for the purpose of having him removed from the Bench. But neither on that occasion or on any other, except during the short regime of Major Mundy, did I receive support from the Executive against a planter. I was in too weak health (having been unable for some weeks previously to walk without support and been subject to continual attacks of fever) to press the point warmly at the time, and your lordship's gracious offer of my present appointment reaching me immediately afterwards, I was relieved from a painful position which my physical condition could not have supported much longer.

55. The article in the *Colonist* of March 2nd,\* above referred to, while ostensibly written for another purpose, set forth the real grievance against me, viz.:—That I did not "please the planters." As to my

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\* The article referred to was published on March 24th.—[Ed. C.]

particular act complained of, viz.:—The discharge of the three Chinese, the essential fact is omitted, that their arrest had been without warrant. While I, of course, took no notice of the attack, I found an unexpected defender in the *Creole*, the organ of the colored races. The articles in that paper of the 29th and 31st. though containing trifling errors and remarks which might have been better omitted, are nevertheless a complete answer to the attack, and are most useful as shewing the opinion of intelligent colored people on the manner in which justice is usually administered. Ultimately, the planting organ threatened an appeal, which was, however, very advisedly never attempted, as the exposure of the legality of my course would have precluded from a contrary one more complacent Magistrates in other districts. But a movement was on foot when the news of my promotion arrived to obtain from the Executive my removal from the district, though I have no reason to believe that such pressure would have had any effect on Mr. Scott.

Mr. DesVaux's  
Letter.

25th Dec. 1869.

56. Had I been ever unduly lenient to the colored races, and could I have been considered in any sense their champion, it would have been easy to understand the estimation in which, I am proud to say, I was held by them, and the bitter enmity of the planters. But this was very far from being the case. No magistrate was, I believe, ever more severe on proved crime and misconduct, and in proof I may mention that in the eleven months during which I held office in the first district named I ordered more flogging than had ever taken place before in a similar time, and out of a population of twenty thousand at the most I sentenced over twelve hundred\* to imprisonment with hard labour, and of these probably two fifths were indentured immigrants convicted chiefly of breaches of contract. During the same time, however, I have the authority of the chief of the district police for saying, that the "feeding returns" of the "lock-ups" had been reduced by more than one-third, which affords some indication of the extent to which improper imprisonment had been previously carried.

57. I have, as I have said, entered thus minutely into my personal experience simply and solely as the only means within my power of proving to your Lordship that under the present system in Demerara independence and impartiality on the part of magistrates is not and cannot be the rule, and that the discontent which pervades all the labouring classes might under the circumstances be naturally expected.

58. If there was, as I trust there was, an exception in my case, I take no credit to myself whatever. Had I lived as long as most of my brother magistrates amidst the demoralizing influence of the all-pervading West Indian moral cowardice, or had I, as they mostly have, a family dependent on me, my course might have been, though I trust not, only parallel with theirs. At all events, the difficulty and even danger of any other would have been vastly increased.

59. For the reform of the system described, of which I trust I have shown the extreme and urgent need, I would most respectfully suggest the following measures as the only ones which in my opinion would thoroughly meet the exigencies of the case.

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\* I have not the returns by me, but I know that these figures are considerably within the mark.

*Mr. Des Vaux's  
Letter.*

25th Dec. 1869.

60. As I consider that the attempt would be hopeless to obtain impartiality from district magistrates in Demerara, and it is yet desirable for the sake of order that those officers should still reside in the country; I would suggest that the creation of a new and superior class, with sole jurisdiction in all cases, both civil and criminal between employers and employed, both indentured and free, and in cases of trespass.\* They should be required to reside in town and to hold a Court at each police station not more than once a month. They should moreover be invested with a power of summarily punishing illegal stoppage of wages, and also false arrests and imprisonment, both in its authors and its agents: the ordinary redress of a civil action being practically out of the reach of ninety-nine labourers out of a hundred.

61. The residence in town would secure them against much of the pressure above described, and the diminished frequency of courts would check the tendency of governing immigrants by fear rather than by good treatment.†

62. Except perhaps at first, the new measure need be attended with no expense. The district magistrates, being relieved of a large portion of their work, would be able to take charge of much larger districts, and would be able to take exclusive charge of coroners' inquests, which when before ordinary justices, are not only attended with expense, but as I have shewn, are most unsatisfactorily conducted.

63. Seven district magistrates would, therefore, amply suffice, instead of twelve, and thus £3,500 a year would be saved for the payment of three circuit magistrates.

64. Finally, with respect to these officers, I would respectfully suggest that they should be appointed exclusively by the Secretary of State, and from persons who had had no previous connection with the West Indies, except perhaps in an independent position, such as the army, or otherwise the object of the new creation would be partially defeated.

65. The effect of this reform would be, I feel confident, the removal of much of the prevailing discontent, not only among the immigrants, but among the Creole labourers, who are also under the present system too often, on insufficient grounds and on hardly plausible pretences, deprived of their rightful wages. Another, though less potent cause of discontent among the immigrants is their house accommodation.

66. Although I believe it would be found on inquiry that the immigrants are allowed considerably less room on the average than convicts

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\* A common practice exists among managers of estates which are conveniently situated for the purpose of coercing the neighbouring villagers to work for them by vexatious charges of trespass. I have known cases where individuals have been thus charged for using a right of way which had existed for many years, though hundreds of others were passing over it daily whom there was no intention, or even desire, of prosecuting.

† That this is not only possible but profitable, I would mention the notorious fact that some of the most successful estates (as once admitted by Mr. Hincks in the Court of Policy) are those which least frequently trouble the Magistrates. Mr. Clementson, a late member of the Court of Policy, who is in some respects the most successful planter in the colony (having from very humble beginnings acquired a large fortune) has not for years harboured an immigrant with breach of contract.

in English prisons, I do not allude to the question of "cubic space" for even if the importance of this subject has not been too much exaggerated elsewhere, I believe that when houses are as little impervious to the air as those of the lower classes in the tropics, bad ventilation, if an existent evil at all, is the least of those produced by overcrowding.

*Mr. Des Vaux' Letter.*  
25th Dec. 1869.

67. The great majority of the houses in the "nigger yards" (as they are still ordinarily called) which are allotted to immigrants, are built of two stories, and consist of a number of very small rooms. These are ordinarily, as far as my limited observation has extended, from 9 to 10 feet square; and are divided by thin and easily-scaled partitions.

68. Most managers have, I believe, though I am far from sure, been compelled to allow a separate room to each married couple and their children, though three, four, and even more single men are, I know, frequently crowded in the same place. But married and single alike have to use passages, sheds, euphemistically termed kitchens, and other conveniences common to many others differing in caste\* and sometimes in race. Moreover, from the filthy and lazy habits of the people, the occupants of the upper storey are a continual source of discomfort and annoyance to those on the ground floor, and hence, in a great measure, arise the endless quarrels, abusive language and assaults, which occupy so large a portion of the magistrate's time.

69. A proof of the discontent of the Coolies with this state of things, even if there were no complaints on the subject, exists in the fact that, whenever allowed to do so, they invariably erect for themselves private cottages of mud. These are generally, as may be supposed, of a wretched description, and the preference of them by the immigrants to the comparatively substantial houses provided by the estates, is usually cited by the planters as the deliberate preference of squalor to comfort.

70. From personal inquiries among many immigrants, I am satisfied that this inference is incorrect; their invariable answer has been to the effect that these houses are their own; their privacy is not so continually invaded, and they are more secure from loss of their goods and attempts on the chastity of their wives.

71. This evil would not admit of so immediate a remedy as the others mentioned. But a long step towards its alleviation might be made by compelling all the estates which have surplus front lands (and these are very many) to devote drained spaces for the erection of these cottages by deserving immigrants who have the means and desire to do so; and also by preventing new immigrant barracks being built of more than one story, and without kitchens, &c., for at most every ten people.

72. The permission to erect private houses is already largely granted on some estates to free immigrants as an inducement to them to remain on the estates. But the mode of living is otherwise discouraged by the planters, as the people being scattered over a larger area

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\* Although all Indians lose their caste on leaving Hindostan, the distinctions and jealousies are kept up to a great extent in Demerara. There are even many calling themselves Brahmans who, while averse from work themselves, obtain the performance of their tasks by working upon the superstition of their fellows.

*Mr. DesVaux's Letter.* there is a great difficulty of what is called "enforcing discipline," which really means turning out to work.

25th Dec. 1869.

73. Another frequent cause of complaint is *want of water*, either of proper quality or in sufficient supply. And this in dry seasons, such as occurred last year, becomes a cruel hardship. Though the country is everywhere intersected by canals and trenches, these in the dry season become mostly tainted with salt water, while many are poisoned by the "lecs" from the rum distilleries. On the estate on which I resided last year, I have repeatedly seen the people obliged, after their days' work in the field, to go more than a mile for water, which, even when procured, was putrid in smell and disgusting to the taste, and I was informed that this evil existed in even a more exaggerated form on other estates. Efforts were undoubtedly made to procure pure water at a great expense from a distance of 20 miles up the Demerara River, but even this was muddy and unfit for drinking, and moreover the distance and difficulty of transport inevitably rendered the supply meagre and irregular.

74. There is no excuse for such a want of water in Demerara. The average fall of rain of 100 inches (there were even from 60 to 70 inches last year) is amply sufficient to supply all the wants of the estates if the commonest precautions were taken for preserving it.

75. One or two estates are now setting a good example in providing iron tanks, but this could not probably be afforded by all. But, from whatever source derived, a sufficient supply of comparatively pure water should and could easily be enforced from all estates to which immigrants are allotted.

76. Another much needed reform is that of the Immigration Department. Its present head is a thoroughly upright, conscientious and indefatigable public officer, and he is, as far as possible, in his circumstances independent. The difficulties of his position have been very much lightened by the present Governor, even before I left the colony, but under the present system his time must necessarily be chiefly taken up by the mere routine of the office, leaving but little time for the proper and searching investigation of the complaints which are continually pouring in upon him from all quarters.

77. His subordinates are insufficient in number for the proper performance of their present duties, and entirely so, if others such as it is desirable should be performed by the office, were added to them.

78. At present, the Sub-Immigration Agents visit estates at stated periods for the purpose of re-indenturing and paying bounty, or of granting free tickets to immigrants whose term of service has expired, and only at other times for the investigation of some matter of complaint of more than ordinary gravity. As they almost invariably, when on their travels, accept the hospitality of managers, it is hardly to be expected that their duties should be strictly, regularly, and impartially performed.

79. And, indeed, I have good reason to believe that they are not. For I have myself known cases where immigrants' indentures have been improperly and carelessly extended, and where complaints have been but cursorily and far from thoroughly investigated. Moreover, by the

very anomalous system introduced by the late Governor of granting them travelling allowance in lividually, they were made virtually independent of the head of the office and free of proper control.\*

*Mr DesVaux's  
Letter.*

25th Dec: 1869.

80. But even granting that the present work is efficiently performed, there is another duty, which, for the sake of justice to the immigrants, should be performed by the office.

81. Under the present law, an employer is bound to pay to his indentured labourers the same price for their work as paid to free labourers. It is however notorious that this obligation is as a rule evaded, and sometimes openly broken.

82. The former is easily done, where all field labor, as in Demerara, is done by tasks, by allotting to both indentured and free, an equal area for weeding, ploughing, or cane cutting, at the same price, but selecting the more distant† field or ground, which requires more labor, for the indentured.

83. As regards actual breaking of the law, I have known cases and believe them to be not uncommon, where immigrants have been compelled to work for a price which free labourers would have, and sometimes actually have, refused.

84. It is quite impossible for the most impartial magistrate, under the present system, to do justice in such cases, or in many others, in which immigrants are aggrieved. The manager can always produce a number of overseers, drivers, and others dependent on him, to make an overwhelming weight of testimony in his favour, while the immigrant, who is perhaps generally in the wrong, has not the intelligence and cannot produce proper witnesses to present his case clearly when he is in the right. He has thus a direct inducement to supplement his ignorance by falsehood and suborned perjury, which, being usually transparent, of course invalidates other very possibly truthful testimony on the same side.

85. On the other hand, my experience has taught me that falsehood in court is by no means confined to the colored races, and that the whites connected with estates, whether managers, overseers, or engineers, are often by no means scrupulous about the truth when their interest or their fears enter into the question at issue; and this class of falsehood, as proceeding from greater intelligence, is of course the more difficult of detection.

86. As the result of all these difficulties in the path of a most conscientious Magistrate, an immigrant but rarely wins a case against his estate, either civil or criminal, either as prosecutor, plaintiff or defendant. The Magistrates' returns would indeed indicate otherwise, from the large number of cases which appear there as dismissed. But of these but a very small portion have been really pressed by the managers. For it is notorious that very many informations are most improperly

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\* I believe that this anomaly has been removed by the present Governor since my departure from the colony.

† Distance is of great importance, where, as on most of the estates, some fields are 3 to 5 miles from, while others are in the immediate vicinity of, the buildings.

*Mr. DesVaux's Letter.* compromised by money payments, and in these cases but a slight show of resistance, if any, is maintained in Court.

25th Dec. 1869.

87. These evils and many others like them, can, in my opinion, only be remedied by the appointment of government officers whose duty it would be to make unexpected visits to estates, and whenever occasion might require, for the purpose of personally inspecting work assigned and the payment offered to immigrants, and of ascertaining the true facts in any doubtful case where these laborers were concerned, so that there might be always forthcoming, when necessary, independent and disinterested evidence as a guide to the Magistrate in his decision.

88. The police would not answer for this duty, as in the first place they are, for the most part, entirely ignorant of any of the eastern languages, and moreover, would be too much under the influence of the managers, many of whom are also Justices of the Peace, and would thus be furnished with a ready means of bringing pressure to bear upon them.

89. I would respectfully suggest that for this purpose the number of Sub-Immigration Agents should be increased, that they should be instructed to acquire a practical knowledge, as might be sufficiently done in a very short time, of the different kinds of work on the sugar plantations, and should be forbidden to accept under any circumstances the hospitality of managers, which is certain to be largely proffered to them.

90. As tending to prove the propriety of this restriction, I may mention that it is voluntarily placed upon himself by an officer of considerably high standing than the Sub-Immigration Agents, and I have the less hesitation in mentioning his name in a matter which redounds so much to his credit in that I have no personal acquaintance with him; I mean Dr. Shier, the Inspector of estates' hospitals.

91. So strictly scrupulous is he in this respect, that he is frequently obliged for his night's lodging to put up with such very scanty accommodation as is afforded by the Court Rooms at the police stations; and I cannot but think that such scruples should be encouraged as could be easily done by furnishing a room with necessary furniture at stations for the use of all public officers on their official circuits.

92. As your Lordship might deem it a matter of difficulty to find proper persons to fill such offices as I have proposed, I would most respectfully venture to suggest that such might be found among discharged non-commissioned officers of the Army who had served in India.

93. Their residence there would have to a great extent acclimatized them to all tropical climates, and would possibly have given them a sufficient knowledge of one or other of the Indian languages to enable them to make themselves understood to a few of the immigrants of each estate. Their pensions would moreover assist their salaries and if they had been engaged in regimental or brigade offices they would have learnt something of official routine and correspondence.

94. In conclusion, it is not without earnest thought and a profound

conviction or the good policy as well as justice of the measure that I venture to suggest a reform of the present artificial system of immigration which is taking place in British Guiana, and this almost as much for the interest of the Planters as of the immigrants themselves.

*Mr. Des Vaux's  
Letter.*

25th Dec. 1869,

95. For, notwithstanding the superior value of the acclimatized immigrant, I am satisfied that the power of obtaining an unlimited amount of new hands, to so great an extent at the public cost, is an encouragement of an uneconomical use of existing labor, and of carelessness and even cruelty in the treatment of those already under indenture.

96. And I would respectfully urge that on higher grounds the limit has been reached at which immigration should be allowed to continue on its present footing as a direct burthen on the public purse. It was, no doubt, fair enough that the general revenue of the colony should at first pay a third of the cost of immigration. Labour was absolutely required, not only for the advancement of the general prosperity, but to prevent the wholesale abandonment of cultivation. The Negro labourers, moreover, required competition as an incitement to industry, and the lesson which has been taught them has been doubtless wholesome and just, though a very severe one. But I would respectfully urge that its severity is now becoming disproportionate to its justice, and every year more so.

97. Though production has greatly increased, it has not done so in proportion to the labour introduced and wages have consequently fallen in value all over the colony. In the dry seasons planters have often difficulty in finding employment for their indentured immigrants and have therefore very little for free laborers, whom I saw last year in large gangs perambulating the country unable to find work at all. Moreover, the excessively high taxation (raised chiefly from articles of general consumption), which is necessitated by the annual charge\* for the Colony share of immigration, makes exceptionally dear early all the necessaries of life used by the laborers, both Creole and immigrant.

98. These are thus paying in two ways for what, instead of a benefit, is a direct, and is becoming a grievous injury to them. On the other hand the planters obtain free of duty the greater part of the supplies peculiarly required by the estates, and thus pay but a mere trifle towards the general revenue.

99. I believe that on a close investigation of this subject your Lordship would be convinced that the time has come when the planters should pay the whole cost of immigration, which now far more than formerly exclusively benefits themselves.

100. They are well able to do so, for it is notorious that all the well managed estates (and no others have a right to be considered) have for some years been making large profits.† These were greatly increased by

\* £265,000. I have not the exact figures at hand, but I believe that this is an approximate amount. A comparison between the tariff and prices existing in British Guiana with that of the other West Indian Colonies would show in how high a degree this is true.

† The estate of "Schoon Ord" has for three years just published net profits averaging £15,000 (last year £17,000, if I recollect rightly.) It has no superiority over 100 others beyond freedom from embarrassment, command of capital, and good management; the



*Mr. DesVaux's Letter.* the destruction of the estates in Louisiana,\* which alone besides produced the peculiar kind of crystallized (or as it is technically called vacuum pan) sugar, which is so greatly in demand in the United States, and were again largely increased by the enhanced value of all kinds of sugar produced by the troubles in Cuba.†

101. If any portion of these profits in any way benefitted the laborers there would be less cause for the measure proposed. But so far from that, wages as I have shewn are falling rather than rising.

102. Even when the whole direct cost of immigration is borne by the planters, the general revenue will still be charged for expenditure indirectly occasioned by it with an amount fully proportionate to any advantage gained from it by others than planters, these being the very small mercantile and shopkeeping community, who are not owners of or directly connected with the sugar estates.

103. I have, as I have said, no statistics to guide me, but I feel sure that your Lordship by reference to them will find that of the £80,000 or thereabouts annually paid for police, hospitals, asylums, gaols and expenses of justice, at least £25,000 has been the direct result of Coolie immigration. This amount is annually increased and to it must also be added the expense of the immigration office or £3,000 more. The reduction of the general expenditure by the £65,000 or thereabouts devoted to immigration would permit of the admission, free of duty, of all the articles which are necessities of life to the laborers (both Creole and immigrants) and thus would be, not only an enormous immediate boon to them, but in accordance with the ordinary operation of free-trade would eventually benefit the planter himself.

104. Were the production of the country to be lowered, or even its progress checked by the proposed measure, considerations of policy might still be allowed their weight against abstract justice. But I believe this would be in no degree the case. For even if less immigrants were applied for, which in view of the very large margin of profit on sugar cultivation I consider very unlikely, their additional cost would secure better treatment for those already in the country, which with cheaper living would render already-acquired labour more willing and therefore more productive. In the end I believe that the gain would be not less that of the planters than of the laborers.

105. In conclusion I feel bound to answer three plausible arguments usually put forward by the planters in proof of the well-being of the immigrants, viz :—1st. the large number of them who re-indenture. 2nd. the present small death rate, and 3rd. the large sums taken away by those who return to their own country.

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land is even considered inferior to the average, and not many years ago was nearly being abandoned as worn out and worthless. Ammonia has worked the change. Raimveld (belonging to Dutch proprietors) has been worked at a profit for many years, and is now believed to be not far behind "Schoon Ord" in its net returns. The latter statement also holds good of many others, in proportion to the amount of their crop.

\* Except Mauritius, but this supplies mainly the Australian market

† To shew what the profits must have been this year, I would mention that I was informed by the proprietor of an estate of average size, making crystallized sugar, that he made a "handsome" profit when his crystallized sugar sold at 6 cents per lb., but the average price this year has been \$6 75 and has been as high as \$7 50. Supposing 40,000 of the 80,000 hogsheads made in the colony to be crystallized, the increased profit on this alone would amount for the year to \$540,000 or £108,000. The value of common sugar has also been enhanced, but not in proportion.

106. It is true that a large number of Coolies annually re-indenture themselves at the expiration of their service, but this may be partly ascribed to many other cases than their well being in servitude.

*Mr. DesVaux's  
Letter.*

25th Dec. 1869.

107. The \$50 (£10 8s. 4d.) bounty paid to them for re-indenturing\* often increased \$5 or \$10 by individual proprietors, is alone a very powerful temptation. The present advantage of a year's income paid down may well make blind the ignorant Coolie to the possibilities of the future. A similar advantage would be apt to distort the judgment and overcome the prudence of persons in a far higher rank of life; and this tangible temptation is to my knowledge sometimes increased by false allurements held out by "drivers" of their own race, who have been promised premiums for the procurement of "hands."

108. But, notwithstanding these temptations, it would be found on inquiry that but very few of the stronger and more provident, who have saved any considerable sum of money, can be induced to re-indenture except on estates where the treatment is generally known to be good.\*

109. Planters as a rule do not exercise any discrimination in the choice of those to whom they give bounty. Inquiries are but seldom made about character or precedent, and, as though a large number of re-indentures redounded to the credit of the management with proprietors at home, hands are often accepted respecting whom the slightest inquiry would have discovered that they had spent the greater part of their previous service in idleness, desertion, and imprisonment; consequently complaints are frequent of desertion following immediately after receipt of bounty.

110. But there is another, and, perhaps, the strongest reason of all for the amount of re-indentures, vizt., that for those who have no capital freedom is really of little value as against indentures, made more attractive by the bounty and (as I have above described) privacy of living. Land is only to be obtained at a high price (the Government rate practically precludes sales) and the Indian Coolie is not fond enough of agriculture to make any immediate sacrifice, such as uncleared land requires, to engage in it on his own account. Neither stock-raising (his favourite occupation) or shop-keeping can be commenced on nothing; so that free Coolies without capital are almost necessarily obliged to work upon the sugar estates. It is thus that the bounty comes in as so peculiarly strong a temptation to all such, the strong, industrious, and practiced labourer feeling that he will avoid the severer pressure of servitude, and the weak and idle looking to desertion, or at the worst imprisonment † to which he has probably been well accustomed before,

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\* To give another almost unneeded proof of the actual profit attending considerable treatment of the labourers, I may mention that an estate called *Vreed-en-Hoop*, obtains all its required supplies of labour among old hands who have been attracted from other estates; and these apply in such large numbers as to enable the selection of the best after probation. They are of course far more valuable on account of their being acclimatized, and being practised in the various operations of agriculture and manufacture, than new importations for whom the same price has to be paid.

† It is far from uncommon for immigrants (especially those who in their own country have been accustomed merely to in-door work) to break the law with the especial view of going to gaol. Many have told me that they were unable to earn sufficient food on the estates, and preferred the regular rations of the gaol, though accompanied by shot-drill and confinement.

*Mr. DesVaux's  
Letter.*

25th Dec. 1869.

111. 2nd. The death rate has certainly been largely reduced by the sanitary measures forced upon the estates by the Inspector of Hospitals and if, as I am informed, it was last year little over two per cent., is hardly above the ordinary European average. But the returns give, I believe, a far from correct idea of the actual rate, and for this reason that no account is taken of deserters.

112. Many who have deserted from their estates, chiefly from inability,\* but some of course from want of will, to earn proper sustenance, in the hope of gaining a precarious livelihood by begging and stealing, die while still deserters. These deaths are probably, for reasons stated below, many of them not known, and when known, do not enter the estates' returns from the impossibility of identification.

113. It is well known that but a very small number of immigrants have left the country, other than those exported by the Government.

114. Some, chiefly Chinese, have gone to Surinam and Trinidad, but these are known, from the frequent communications between the two countries and from the strict watch kept upon outgoing vessels, to be very few, and their loss has been probably more than compensated by immigration from the French and other islands. But even, deducting these and the 7,500 or thereabout who have returned to their own country, from the total number imported, there still remains an enormous loss to be accounted for. If I recollect rightly, about 79,000 Indians and Chinese have been imported, to which moreover are to be added the births, which in the absence of statistics, I put down at 15,000 during the twenty years of immigration, and yet there are not now in the country 45,000 at the highest. The death returns cannot account for this fearful depopulation, and, if not, it becomes certain that from some cause or other they are not accurate.

115. These figures alone, if there were no other proof, would serve to show that the lot of the immigrants in British Guiana has not been an easy one.

116. 3rd. The 6,000 who have returned to India have undoubtedly taken with them a large sum of money, and there is also a very considerable sum remaining in the country belonging to Indian Coolies,† being invested in stock, gold and silver ornaments and other kinds of property. But one who knows the habits and saving disposition of the Coolies, and at the same time considers the amount which should have been

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\* Several most intelligent Chinese, one of them having emigrated free, being in a position which gave him no inducement to speak untruth on the subject has told me that three-fourths of the Chinese labourers imported from Canton were artisans and other workmen who had never been accustomed to out-door labour, and had been informed in China that they would be allowed to follow their trades in British Guiana. These are the people who find it impossible to earn sufficient sustenance from labour in the sun, and become deserters and thieves. This remark holds good in a less degree of labourers imported from the other Chinese ports, and even in the same degree of the Indians. I am satisfied from a general concurrence of testimony that a large amount of imposition has at one time or another been practised upon them, and that their condition on British Guiana has been a grievous disappointment to all the Chinese and very many of the others.

† For reasons which, if your Lordship should desire, I will explain in a future letter, only a small fraction of Chinese leave any property whatever, and the few exceptions are chiefly gaming-house keepers, "divers," and perhaps a dozen small shopkeepers.

earned by them during the 20 years of immigration, is astonished, not at the large amount saved, but at its comparative littleness.

*Mr. DesVaux's  
Letter.*

25th Dec. 1869.

117. A very low estimate of the amount actually earned by the 65,000 Indian Coolies imported during twenty years and their children would be £3,000,000,\* considering that the value of the Sugar, Rum, and Molasses made mainly by them is little under £2,000,000 per annum, and that they are earning at the present moment at least £300,000 per annum, that 39,000 had been already imported in 1861, and that wages have greatly fallen since their first introduction.

118. The Emigration Commissioners' report states the amount taken away by return Coolies up to 1867 at about £104,000. Allowing for omissions in that, for money taken away in the last two years, and for the value of property in the houses of Coolies still in the country, I am sure that £300,000 would be a very high estimate for the whole amount of property realized, because it is to be remembered that the richer Coolies return to India when they have the opportunity, and I know that a majority of those left behind possess nothing at all.

119. But from this £300,000 must be deducted at least £50,000 for profit made on savings, much of them being invested in cattle and other profitable securities, so that the actual saving would be only £250,000 or 1d. per 1s. of the whole amount earned.

120. No one who knows the extremely meagre diet of the Coolies and the penurious habits of the great majority of them, could consider such a saving as any argument for their general prosperity,

121. I believe that a careful enquiry into this subject would show that property has almost entirely been realized by the exceptionally strong and that the many die prematurely and penniless.

122. Your Lordship, if you should have been kindly induced to read this lengthy communication (which I would most gladly have abridged if I had found it possible to do so with justice to the subject) will, I fear, think that I have produced a picture over-coloured as a whole, and incorrect in delineation and detail.

123. I can only say that I have anxiously endeavoured not to do so and I firmly believe that if the whole truth could be unveiled my case would be found under rather than overstated.

124. I am quite prepared to bear the grave responsibility of all I have said, and if, as I fear will one day be necessary, a Commission of Enquiry should be appointed, I shall be ready and willing to produce strong evidence in proof of my facts and in support of my opinions.

125. There is a gentleman said to be on his way to England who formerly governed British Guiana; I mean Sir Philip Wodehouse. I only know him from his reputation and his legislation. From these,

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\* Supposing the amount of Indian Coolies in the country to be now 88,000, and allowing 8,000 for ineffectives, such as prisoners, sick, &c., who are supported by others this would only afford 6s per head for food and clothing, whereas the Government buying at wholesale prices, cannot feed its prisoners at less than 8d per day.

*Mr. DesVoeux's  
Letter.*

25th Dec. 1869.

however, especially from the Ordinance passed by him which took away all summary jurisdiction from the ordinary justices of the peace, I feel sure that he had already begun to see the germs of evils which have been greatly aggravated since his time.

126. Though for this reason he would of course not be able to support my statements to their full extent, I am confident that if your Lordship should see fit to lay this letter before him he would allow the possibility and even perhaps the probability of their truth.

127. Should Sir Francis Hincks, the late Governor, be of a contrary opinion, and I presume from his administration and legislation which obtained for him so great a popularity among the planters, that he would be, I can confidently refer to a great number of the Clergy of all denominations in support of my statements. The Bishop, with whom I have always been on very intimate terms, and who, though he has not had any opportunities of being behind the scenes, and having been formerly a plantation proprietor himself, is inclined to look upon planters' failings with a somewhat lenient eye, I know agrees with me to a great extent, and would, at all events, give me credit for sincerity.

128. The present Governor has been so short a time in the colony that it is impossible he can have yet seen all the evils pointed out, or any to their full extent, and his position must always screen, from him many of them. But I know that he has already discovered some of them, and was meditating their alleviation or removal.

129. From few others could the whole truth within their knowledge be obtained unless they were put upon oath. For practically there are no educated men in the country who are not directly or indirectly either dependent for their livelihood on, or under the controul and influence of, the planters.

130. The Portuguese merchants and shopkeepers, and the Creole peasant proprietors who form the only independent class, are almost wholly illiterate, the first entirely so.

131. The exclusive powers\* of the planters in the Legislature, added to their other influence, makes the whole body of public officers, and even the Clergy in colonial pay, in awe of them, especially since their success against the late Chief Justice.

132. But two public officers whom I have already mentioned, one well known, the other personally unknown to me, I believe to be sufficiently highminded to speak out what they know, and their knowledge of the subjects on which I have treated is inferior to none, their respective duties having given them peculiar means of acquiring it. I mean Mr. Crosby, the Immigration Agent-General, and Dr. Shier, the Inspector of Estates' Hospitals.

133. The reforms which I have suggested I believe to be absolutely necessary, not only for the sake of justice, and of the comfort and hap

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\* I mean representative powers, the Governor being, if he desires, almost absolute through the interest which he can exercise over Immigration.

piness of the labouring classes, but for the interests of the whole colony, *Mr. Des Vœux's Letter.* and especially to secure the public peace, which has already been so seriously threatened as to alarm\* the planters themselves. They could not be achieved of course without strenuous opposition and some difficulty, nor at first without expense. But the expense would be trifling compared with the ultimate gain, and the difficulty and opposition would be readily overcome by a Government which is or might be so absolute as that of British Guiana. 25th Dec. 1869.

134. Should these reforms, or others better adapted to secure the same ends, proceeding from your Lordship's riper judgment and more extended experience, be accomplished through your intervention, not only will an enormous boon be at once conferred upon 140,000 out of the 150,000 people in the colony, but the ultimate gain to the whole community would be such as to cause you to look back upon them in after days as not the least among the successes of your colonial administration.

I have, &c.,

(Signed,)

G. DES VŒUX,

Administrator of the Government of St. Lucia.

The Right Honorable

The Earl GRANVILLE, K.G.

Q. 9. The President—We will commence with the twenty-first paragraph of your letter, beginning with the second sentence, in which you say :—The independence of the Stipendiary Magistrates is of even greater importance to the immigrants than that of the doctors. But at present, these officers are almost equally, though not as directly, subject to planting influence ; and their decisions, in consequence, are, I believe, the chief cause of the prevailing discontent. They have for the most part, risen from inferior positions, and have been long resident in the colony before their appointment as magistrates. They have thus insensibly acquired that awe of the powerful planting interest which more or less pervades all classes and reaches to the highest places." Is there anything you wish to say, or have you any further information to give us on the subject of that paragraph ?

Mr. Jenkins—May I be allowed to suggest one or two questions before you proceed to that paragraph ?

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\* This is shown by the meeting in London, mentioned above, and strongly confirmed by a gentleman, Mr. Clementson, previously mentioned, as one of the most successful and humane, and I believe one of the most intelligent planters in the Colony. In a visit to me the other day he informed me that he was seriously contemplating the sale of his estate (which owing to the want of capital would probably not realize more than five years' profit,) owing to his belief in approaching troubles among the Coolies.

*Mr. Des Vœux's  
Letter.*

25th Dec. 1869.

The President—I think you had better allow the Commissioners to follow their own course, particularly at the commencement of the inquiry.

Mr. Jenkins—May I enquire if you wish counsel to suggest questions on points as they arise, or would you prefer us to bring them all forward afterwards?

The President—I think you had better suggest them afterwards, if you think we have overlooked anything.

Q. 10. Is there any thing further you wish to say with regard to that paragraph?—A. There is one particular thing I wish to say, not because I think that when read carefully it necessarily gives the meaning that has been applied to it, but because an erroneous meaning has been applied to it. I wish to explain what I meant by the term “inferior positions.” By the term inferior I certainly never meant low, that has been applied to it. The meaning I wished to convey was that the magistrates had for the most part been a long while in the colony and had risen in the colony. I hope I should be the last to reflect on anybody because he had risen in life. But they have for the most part risen from inferior positions. My meaning would have been better expressed possibly if I had said “They have for the most part risen from inferior positions in the colony and have been long resident there.” However I must express my entire belief that the paragraph is essentially true. At the same time when I say that their decisions are the chief cause of the prevailing discontent, I mean the chief ultimate cause. I believe that if their decisions were satisfactory, very little of the prevailing discontent would exist.

Q. 11. I did not hear the latter part of your answer; will you be good enough to repeat it?—A. I believe that if their decisions were generally impartial and satisfactory, the discontent which I believe exists would either be removed or would have no just cause. I believe that discontent does not exist among the immigrants only, but among a very large proportion of the Creole population, and among another part of the population who have largely assisted to bring this colony to its present position; I refer to the Portuguese.

Q. 12. With regard to the 22nd paragraph have you anything further to say?—A. I consider that hardly any of the Magis-

trates have had that special training which the exceedingly delicate and difficult position of a magistrate requires, especially legal training. I think moreover that their salaries are manifestly insufficient, deducting the necessary charges upon it. I may also say with regard not only to this paragraph, but to the whole of my letter, that an universal application has been very wrongly given to it. The application which I wish to give, and which I think an impartial reading would have suggested, is merely a general, not an universal application.

*Mr DesVœux's  
Letter.*  
25th Dec: 1899.

Mr. Cowie—It seems to me that Mr. Des Vœux is making speeches, not answering questions,

Q. 13. Sir G. Young—You mean that there are exceptions to the statements made; and you do not wish these somewhat general statements to be considered as universal?—A. Just so.

Q. 14. These influences to which the Stipendiary Magistrates in your opinion are too much exposed, you seem to regard as having an effect upon their decisions which has caused discontent; not merely, as I understand, among the immigrant population, but among certain other classes you have specified; and these other classes include, or do they not include, all classes in the colony with the exception of that which you may call the planting interest?—A. Not all the planters in the colony; but, practically, all classes in the country districts.

Q. 15. This discontent then you say exists among all classes in the country districts with the exception of the planters?—A. With the exception of the planting interest; although there are one or two remarkable exceptions. Of course I only judge from the concurrent testimony of a number of people. That is the only way in which I can form an opinion: at least one of the ways and the chief way. I shall prefer not to make invidious distinctions unless I am asked to do so.

Q. 16. The President.—As regards paragraph 24, will you give us some instances which have come under your observation of Coolies not obtaining their rights at the hands of magistrates?—A. One of them is a practice which I believe has been only tolerated—

Q. 17. Will you answer the question as concisely as you can; I ask you for instances?—A. It is an excessively difficult question to answer.



*Mr. DesVœux's  
Letter.*

25th Dec. 1869.

Q. 18. These are questions of a kind of which we shall have to put others to you, possibly you may wish to consult papers which you may have from which you wrote this letter; and perhaps we might save time if you were to send home and get what papers you have, or you are likely to require in answering the questions, supposing you have them?—A. I may say I wrote this letter without a single note of any kind. I wrote it entirely from memory. Any notes I may have taken have been taken since I wrote it.

Q. 19. You say "Your Lordship will readily understand that against such persons and in the courts of such magistrates an immigrant is by no means certain of obtaining his rights; and I do not hesitate to assert not only from what I have commonly heard, but from personal observation, that they do not." I suppose you must have had memoranda of some kind when you made such an assertion?—(No answer)

Mr. Jenkins—Perhaps I may be allowed to state that I have caused the witness to be precognosed and therefore I have his evidence which is now before me. Am I at liberty to hand it in?

The President—Not his memoranda?

Mr. Jenkins—Some of them are in his handwriting.

Mr. Cowie—Does the learned Counsel appear for Mr. Des Vœux? It seems to be very strange that the witness cannot be allowed to answer in his own way.

Mr. Jenkins—As I happened to have a transcript of Mr. Des Vœux's notes it appeared to me to be only fair to the witness that it should be handed to him for his assistance.

Sir G. Young—I do not think we have anything to do with any assistance which Mr. Des Vœux may require. He is before us to give us information. I think we have nothing to say to him on the subject of any papers you may have in your possession.

Mr. Jenkins—I do not appear at all for Mr. Des Vœux. I merely wish to ask whether, acting in the interest of my clients, I am not entitled to put certain questions to Mr. Des Vœux.

Sir G. Young—Not at present. We wish to conduct the examination ourselves for the present. By and by you will have an opportunity of putting any questions you wish.

Mr. Des Vœux—In the year 1867, a decision of mine was <sup>8. W. Des Vœux.</sup> appealed against and brought before the Court of Review with <sup>27th Aug. 1870.</sup> respect to task work of immigrants. I had decided that no punishment could be awarded under the (I think it is) the 113th section of the Immigration Ordinance for the non-performance of five tasks.

Q. 20. Sir G. Young—The Consolidated Immigration Ord. No. 4 of 1864 ?—A. Yes.

Q. 21. Will you refer to the section you mean, Mr. Des Vœux ?—A. It is the 115th sec.

Q. 22. That is a section which has been since repealed by Ord. No. 9 of 1868 ?—A. Yes.

Q. 23. At that time it was in operation ?—A. Yes, the Court of Review confirmed my decision ; but after that the case obtained considerable notoriety because an application was made to the full Court to rehear the case.

The President—It appears to me that you are going entirely out of your way, Mr. Des Vœux.

Mr. Des Vœux—I am obliged to explain what is coming ; without the explanation it would be unintelligible.

The President—We ask you for instances.

Mr. Des Vœux—I shall be obliged to refer to my Record Books : I have had no opportunity of referring to any since I came to the Colony.

Q. 24. Sir G. Young—Do you mean the Official Records of your duty as a Magistrate, or papers in your own possession ? A. The Official Records of both Districts in which I acted.

Mr. Cowie—Would the Commissioners ask Mr. Des Vœux,—for I do not understand, will these records show instances in which other Magistrates have refused immigrants their rights ? I understand him to refer to records of his own proceedings.

Mr. Des Vœux.—No ; what I mean to say is this—whether it is pertinent will be for the Commissioners to decide. My decision was confirmed by the Court of Review ; and after that decision an attempt was made to bring a case of the same kind before me. I refused to entertain the case. My attention was attracted to the circumstance, because having once decided

*G. W. Des Vœux.* the point, and that decision having been supported, I thought it was at least worthy of note that such an application had been made; and on making inquiry I understood that nearly if not all the other Magistrates in the Colony were still convicting under that section, notwithstanding the judgment of the Court. I cannot exactly recollect, but I believe that in my Record Books I have seen cases decided at that time before the new Ordinance was passed.

The President—We want you to give instances.

Mr. Des Vœux—It is quite impossible for me to give the names of cases heard four or five years ago without I have the books to look at. I never attended other Magistrates' Courts; it is not to be supposed —

Q. 25. Sir George Young—Was this a case of the kind you refer to in the course of your letter in the note to paragraph 40,—one of those cases respecting which I observe you state that complaint was made to the Executive against you on account of your decision?—A. Oh! no.

Q. 26. That is a different circumstance.—A. Quite a different circumstance.

Q. 27. When the purport of your answer to the question which Mr. Frere put as to the personal observation you could appeal to from which you assert that the immigrants do not in general, or do not often—obtain justice in the Stipendiary Magistrates' Courts, you give as one instance of that a particular clause of an Act now repealed, under which you discovered, after it had been settled by the Court of Review, that other Magistrates were still convicting.—A. Exactly.

Q. 28. After it had been decided that your interpretation that no conviction could be sustained was right?—A. Exactly.

Mr. Cowie—I think it would be desirable, as Mr. Des Vœux has referred to this decision, that we should have the name of the case.

Mr. Des Vœux—It was the decision of the Court of Review in the case of Johan vs. Field.

Q. 29. Sir George Young—After that decision was confirmed by the Court of Review, an application was made to rehear it, but was refused?—A. The three judges refused to rehear it. I think it was in this case, but, of course, I speak entirely from memory.

Q. 30. Can you give us nothing further than general rumour in support of your assertion?—A. At this period of time I can not recollect exactly how I became convinced of it; partly, I believe, from cases I have seen in the Record books of both my districts; certainly in the last district I was in. *G. W. Des Vœux.*  
27th Aug. 1870.

Q. 31. You have seen cases decided by a Magistrate?—A. By the Magistrate who was holding the district at the time.

Mr. Cowie—I must object to that being taken down. We must have the record book.

Mr. Des Vœux—I am not quite sure; I do not exactly recollect how I became convinced of it—whether it was from my visits to the gaol, or from the record books of my own Courts; but at all events I was convinced of it at the time.

The President—But you say here you make the assertion from personal observation.

Q. 32. Sir G. Young—These entries in the record books—do you mean the record books of your own district or of other districts you had access to?—A. The record books of the West Coast District.

Q. 33. Of which you were Magistrate at the time?—A. I think I was Magistrate afterwards.

Q. 34. That is from previous records of this Court,—subsequent, I suppose, to this case of Johan v. Field—you believe you may have come to the conclusion that the Magistrate subsequently to that case convicted under the section. Is that the substance of your answer?—(No answer.)

Q. 35. Let us arrive at it by degrees. This particular case of Johan v. Field occurred while you were acting in the East Coast District?—A. Yes.

Q. 36. Then it is possible this might have occurred: Subsequent entries might have been made in the books of the district of which you were Magistrate; but you cannot remember any particular one?—A. I cannot remember; I am not quite certain.

Q. 37. Now quitting this case, can you from recollection give us any other instances,—something tangible that we can appeal to—as a proof that there is a difficulty in obtaining justice for immigrants in Stipendiary Magistrate's Courts?—A. I think the chief difficulty that magistrates have to contend with is the absence of any real standard of work and wages.

*G. W. Des Vœux.*

The President—That is another subject; we have not come 27th Aug. 1870. to that yet.

Q. 38. Sir G. Young—That is a difficulty of the Magistrates? —A. Yes; and it renders it all the more necessary that they should be excessively searching in their enquires with regard to work and wages.

Mr. Cowie—It seems to me that Mr. Des Vœux is merely giving his opinions, which may be more or less valuable, but what we want are facts,

Q. 39. Sir G. Young—You will observe that this paragraph 24, involves the special point of the subject to which we are directing our attention, and it is a very important paragraph. Of course a general difficulty of Magistrates under such circumstances would not be an answer to the question. Can you give instances of immigrants' uncertainty of obtaining justice in the Courts of such Magistrates against such persons?—A. When I say "from personal observation" I do not necessarily mean that I had personally observed the instances themselves. That is not what I mean. I mean I have seen circumstances occur in my Courts, surprise shewn at things done by myself which were only in accordance with the commonest dictates of justice, and statements made by persons in the Court of what had been customary previously,

Mr. Cowie—I really must object to this. It is mere inference; it is not evidence of fact at all.

Q. 40. Sir G. Young—We must conclude I believe, that personal observation is used in your letter in a loose sense, and that you do not mean exactly that you can produce instances of the inability of immigrants to obtain justice?—A. I certainly do not mean to say that I have seen the injustice done.

Q. 41. Or that you have read of, or that your personal observation has come across instances which you can quote—things which have remained in your memory? Of course, our object is to arrive at the particular instances, if possible?—A. I have seen instances reported in the newspapers which have led me to that conclusion.

Q. 42. But only generally?—A. I have no doubt that if I had time to consider it I could tax my recollection so far as to be able to give instances; but that is not the sense in which I wrote the words "personal observation." Certainly I have not seen those things myself.

Mr. Cowie—Then, what do you mean by personal observation? G. W. Des Voeux,  
24th Aug. 1870.

Mr. Jenkins—I do not know that my learned friend has any right to put such a question to the witness.

Q. 43. The President—We will go on to the next paragraph then, 25. You say “There are some well known Managers who give out publicly that the immigrants on their estates shall be always, during the hours of work, either actually at work, or in the hospital, or in gaol.”—Who are the managers of Estates to which you refer?

Mr. Des Vœux—Do you wish me to give their names?

The President—Yes.

Mr. Des Vœux—I mean three brothers of the name of Bascom.

Q. 44. The President—Do you know their estates?—A. I believe one of them has died since I left the colony.

Q. 45. What are their Estates?

Mr. Des Vœux—The estates they manage at the present moment?

The President—No; the estates they managed at the time they gave out this publicly?

Mr. Des Vœux—I believe Mr. Griffin Bascom was manager of *Anna Regina*. He was previously manager of some estate on the West Coast, but I do not recollect which. Another of them was manager of *La Grange*, and subsequently of *Spring Garden* in Essequibo. The third was manager of *Zeelandia* and had previously been manager of *Windsor Forest*, I think.

Q. 46. The third was manager of what estate?—A. He was manager of *Zeelandia* at the time; but when he died he was manager of *Cove and John*.

Q. 47. Sir G. Young—He is since deceased?—A. Yes; he has died since I left the colony. He was manager of *Zeelandia* when I left the colony, or immediately preceding my leaving.

Q. 48. The President—Your remark referred only to these three gentlemen?—A. As far as publicly giving it out goes; but

*G. W. Des Vœux.* I believe that practically the principle is carried out on many 27th Aug. 1870. estates.

Mr. Cowie—I really must object to the answer being taken down. If, according to the terms of the Commission, the English law of evidence is to be observed, I do not know what Mr. Des Vœux's belief has to do with it.

Q. 49. The President—Who are the others to whom you referred?—A. I can tell you if you wish to know the estates within my own experience which were most severe. I did not refer to any other people. I have said already I did not refer to anybody else who had given it out publicly.

Q. 50. Sir G. Young—But you said you believed it was practically carried out on many estates. Can you mention any such estates?—A. I believe it was to a large extent carried out on both *Windsor Forest*, *Houston*, *Peter's Hall*, and, I believe, under the management of the manager who was there when I was in the district, *Providence* also.

Q. 51. Were those estates which you mention in the first place—those of which Messrs. Bascom were managers—within your own district as a magistrate?—A. They never managed any estates in the districts I had charge of while I was in charge of the districts.

Q. 52. Were the second list which you have given within your own district at the time you speak of?—A. Yes; all of them.

Q. 53. The President—You say this rule can undoubtedly be enforced by the strict letter of the law. Will you show us how that can be done?

A. Mr. Des Vœux—Would you allow me to have the Ordinance here?

Q. 54. Sir G. Young—You have the Consolidated Ordinance I think. Do you wish any of the more recent Acts?—A. The more recent Acts the observation chiefly applies to—the one by which these two sections were amended.

Q. 55. No. 9 of 1868?—A. Yes. By the 11th section of that Ordinance an immigrant is subject to punishment who shall neglect or refuse to commence at the time and place ordered—commence to work that is—any work required to be performed

by such immigrant and which he shall have been so ordered to perform by the manager of such plantation, or by any person duly authorised by such manager, or who shall leave incomplete, or shall unsatisfactorily finish any such work. Under the old Ordinance the Magistrate was bound to inquire whether the immigrant was bound to perform the work,—the five tasks given him.

Q. 56. Sir G. Young—By sec. 115 of Ord. 4 of 1864, do you mean?—A. Yes.

The President—The question I asked was “Can you show us how this rule can be enforced by the strict letter of the law?”

A. Mr. Des Vœux—It will take some time to show how it could be applied. Under the old Ord. —

Q. 57. The President—What is the number of it?—A. No. 4 of 1864.

Q. 58. Which section?—A. Section 115. It was the duty of the Magistrate when anybody was brought up for neglect or refusal to work to satisfy himself as to the ability of the immigrant to perform the work assigned to him. Under the new Ordinance section 8, where there is a similar provision, the duty is apparently thrown on the immigrant of showing that he is unable to perform the work.

Q. 59. The new Ordinance is No. 9 of 1868?—A. Yes. There is an alteration in the terms which makes it incumbent on the immigrant to prove his inability. It is no longer the duty of the Magistrate to inquire; it is for the immigrant to prove it. “If it shall appear to the Justice hearing the complaint that such immigrant was actually unable to perform such days’ labour, or such number of tasks during such week, the complaint shall be dismissed.” I do not think it requires me to explain how when a man can be always punished for neglect or refusal to work, except he can prove that he is not able to work, when one knows how extremely difficult it is for an immigrant to prove anything, that rule may be enforced so that practically an immigrant might be obliged to work all the week or otherwise be sent to gaol.

Q. 60. Mr. Mitchell—What do you mean by the words “or in the hospital,” in the third line of the 25th par.?—A. I mean on the sick list in the hospital.

Q. 61. That is to say, he may be an out-patient, or do you mean necessarily in hospital?—A. A number of estates, as far as



*G. W. Des Vœux.* I have heard, do not allow out-patients, and I confess I think it is a salutary rule. But when I used the words "in the hospital" I meant exempted from work by the doctor having put their names down on the sick list as under treatment.

Q. 62. Then a man may be either an out or in-patient?—A. Exactly.

Q. 63. Sir George Young—Now, those individual instances of extreme hardship of which you speak in paragraph 25, would they not in general be out-patients of the hospital, though not in the hospital at the time—I speak especially of persons who had been dismissed as convalescent?

A. Mr. Des Vœux—I do not quite understand the question.

Sir George Young—When a patient has been dismissed from the hospital as convalescent is it not customary to retain him as an out-patient until he is fit to work? You say that persons being convalescent are not retained in the hospital and that they are the subjects of great hardship. What I want to know is whether they would not as a general rule come under the designation of out-patients, and therefore be exempted from labour.

A. Mr. Des Vœux.—I must say, I always understood when I was a magistrate that the people on the doctors' books were people in hospital; but I am pretty certain as far as my experience goes, that when women were nursing young children, they were never on the hospital books, unless they were ill.

Q. 64. Sir G. Young.—As to convalescents, does your observation lead you to believe that convalescents were exempted from work, or were not exempted from work except when in hospital?—A. I think when they are not on the doctor's books it is generally interpreted to mean they are able to work. That is the interpretation that has always been urged upon me.

Q. 65. Do you consider that many of them are unable to work when discharged from hospital? A. I consider that a great number of people who have been suffering from intermittent fever, although they are cured of the fever, are unable to work immediately after coming out of hospital.

Q. 66. And your experience is that they are not in general protected after being sent out of hospital?—A. It is exceedingly difficult to decide whether they are able to work or not. A great many have been brought before me who were not allowed to remain any longer under treatment but who

said they were weak and unable to work; and I must say that *G. W. De Vaux*. their appearance showed that they were more or less unable. 27th Aug. 1870. At the same time it is very difficult, except where a man is manifestly unable, to judge whether he is so or not.

Q. 67. In a note to paragraph 25 you refer to a special case. Did that occur previous to the Act No. 9 of 1868, or before it?  
A. It occurred before it.

The President—I do not know whether I have got your answer to the question I have put clearly; you say that the rule can undoubtedly be enforced by the strict letter of the law. I asked you to show how it could be done and you said that Sec. No. 115 of Ord. 4 of 1864 required a Magistrate to satisfy himself that the immigrant brought before him could perform the work assigned to him; but that Sec. 8 of Ord. 9 of 1868 threw the onus of proof upon the immigrant.

Mr. Cowie—Sec. 11.

Sir George Young—Taken in conjunction with Sec. 8.

Q. 68. The President—And that being the case you did not think it difficult to conclude that the rule could be enforced. Is that your answer?—A. Yes.

Q. 69. Sir George Young—Well, compare section 115 of the Consolidated Ordinance No. 4, of 1864 with the proviso in section 8, of Ordinance 9, of 1868. In the one case it reads, "Provided always, that it shall be the duty of the Magistrate before whom the complaint is brought under this section to inquire and ascertain how long the immigrant charged has been in the Colony, and to satisfy himself as to his ability to perform the work assigned to him, and if it should appear to such Magistrate that such immigrant, either from want of experience or from bodily infirmity, is unable to perform five days' labor or five tasks within the week, the complaint shall be dismissed." The proviso in the 8th section of the subsequent Ordinance reads as follows: "Provided always that in every case of complaint against any indentured Immigrant for neglect or refusal to perform in any week five days' labour of the full or any reduced number of hours, or five of any reduced number of tasks, if it shall appear to the Justice hearing the complaint, that such Immigrant was actually unable to perform such days' labour or such number of tasks during such week, the complaint shall be dismissed."—A. I will show you another thing. That sec-

*G. W. Des Vœux.* tion 8 only refers to neglect or refusal to perform 5 days' work.  
27th Aug. 1870.

Q. 70. Can you point out to us what distinction there is between these two enactments which renders the latter less protection to the immigrant than the former?—A. because in sect. 115 of the old ordinance, any complaint for neglect or refusal to work might be dismissed on the ground that the immigrant was unable to work. In sect. 8 of Ordinance 9 of 1868, it is only in case of neglect or refusal to perform 5 days' work or 5 tasks that the complaint can be dismissed on that ground.

Q. 71. It seems to me that the two sections cover the same ground; do they not? A. Under the old Ordinance it was always held that an immigrant could show that he had done 5 tasks or 5 days' work in the week a complaint against him for neglect or refusal to work must necessarily be dismissed.

Q. 72. Would it not be so under the more recent Ordinance also? You see the special point before us is as to immigrants incapable of doing the work? A. If you observe, sec. 115 of the old Ord. had no penalty attached to it.

Q. 73. No penalty attached to the immigrant not performing the work, or no penalty for misconduct on the part of the manager?—A. No penalty to the immigrant for non-performance of five tasks as an offence in itself.

Q. 74. Mr. Chas. Mitchell—Yes; but is it not stated in the next clause that if he shall neglect or refuse to perform the work required of him, he shall be liable to a penalty not exceeding one week's wages.—A. Yes, I am aware of that; but that is intended apparently as a distinct offence in itself.

Q. 75. The President—The 115th section defines what neglect or refusal to do work is; and the 116th provides a penalty for it, as I read the Ordinance. Is it not so?—A. I never read it so and I do not now.

The President—Look at it again and see if it is not the case.

Mr. Des Vœux—I have often thought of it and I do not think I am likely to change my opinion in a minute.

Q. 76. Sir G. Young—Then the point of your remark that it is possible to insist on immigrants being always during the hours of work, either actually at work or in the hospital, or in gaol

can be enforced by the strict letter of the law, is intended more especially to refer to this more recent Act, which, whatever may be the case with the former Act, you think does involve that necessity by its strict letter?—A. I think it is extremely difficult under both Acts. I think that practically if a manager of an estate desires to do so he can enforce that the immigrants shall be either at work, or in the hospital, or in gaol; and I think, that even the most impartial magistrate would find it extremely difficult to prevent it.

G. W. Des Vaux.  
27th Aug. 1870.

Q. 77. You would hardly say in face of that proviso in sec. 8, it is to be enforced by the strict letter of the law which appears to provide against it? You would say it is the practical result of the law rather than the strict letter. If you refer to the proviso in section 8 of Ordinance 9 of 1868, I think you will see that the strict letter of the law provides against it, whatever may be the effect in practice?—A. It only does so in case of an immigrant being brought up for failure to do five tasks.

Q. 78. Or 5 days' work in a week.—A. Yes.

Q. 79. But there is no other way of getting them into gaol, is there?—A. A great number of ways. He can be brought up any day for neglect or refusal to work, irrespective of 5 tasks.

Q. 80. The President—Under what section?—A. The 11th.

Q. 81 And he could not be brought up except under the 115th sec. of Ordinance 4 of 1864.—A. You observe it says in the 115th section that in the case of any complaint against any immigrant for neglect or refusal to work, it shall be necessary, in order to obtain a conviction, to prove that he has neglected or refused to attend during certain hours, or that he has neglected or refused to perform certain tasks; therefore I always considered that the proviso in that section really applied to all cases of neglect or refusal to work.

Q. 82 Sir G. Young.—Then the special point you refer to in the subsequent Act is that the proviso which imposes on the magistrate the duty of ascertaining whether the immigrant was or was not capable of performing the work only covers a certain portion of the complaints?—A. Partly that and partly that the difference of wording throws the onus of proof upon the immigrant. In the former case it was the duty of the magistrate to inquire; and if he had the least idea that such was the case he would summon the witnesses; but in the sub-

*G. W. Des Vaux.* sequent Ordinance, by the difference in language, the onus is 27th Aug. 1870. thrown on the immigrant.

Q. 83 The President—In paragraph 26, you say “It is commonly said that the Governor has the power of counteracting the influence of the planters to a great extent, by changing the districts of Magistrates who have become too popular with them.” Do you mean that that is mere rumour, or have you proof of it? Can you give us any instances? Do you mean that what you mentioned there you mention as having heard it as rumour or gossip? Or can you give us any instances of it?—A. I should say it was the undoubted duty of the Governor if he imagined any class in the community was exercising an undue influence on the Magistrate to change his district.

Q. 84. You say it is commonly said that the Governor has that power. Do you know if it has ever been exercised?—A. I think you interpret it in a totally different way from what I intended. It would have been better if I had left out the first words and have said “the Governor has the power of counteracting the influence of the Planters to a great extent.” Of course these words are used as an introduction to what follows.

Q. 85. And then you go on to say that the Governor has not used that power for that purpose, but for another purpose?—A. That is what I mean.

Q. 86. But is it merely as common report that you mention that, or have you any instances, any proof of it?—A. It is possible; but how could such a thing be proved?

Q. 87. Then we are right in believing you merely put it in as a report.—A. I state that it is not merely a report, but that it is generally believed.

Q. 88. Yes, but you have no proof of it? What we want to know is whether you have any proof of it or can help us to find out any proof of it?—A. No.

Q. 89. In paragraph 29 you say “having been previously in “a district containing only one Sugar Estate.” What District was that?—A. It was the Upper Demerara River District.

Q. 90. And then you say you were appointed to take charge of the most populous and important district in the colony. Which

district was that? A.: The East Coast and East Bank Demerara River District. G. W. Dea Young.  
27th Aug. 1872.

Q. 91. Who was your predecessor in that district?—A. I have to state with regard to that, that there was an interval. When I wrote this letter, it had escaped my recollection.

Q. 92. Then the shortest means of obtaining a direct answer will be to ask to whom you refer as your predecessor?—A. I mean Mr. Ware, but an interval had occurred.

Q. 93. Then he was ~~not~~ your immediate predecessor?—A. No; I was appointed to the district during his absence.

Q. 94. Sir George Young—I do not quite understand the state of affairs as you describe it in par. 82. You say that when you entered upon your new duties you found confined in the lock-ups of the police stations a number of persons, and immigrants among others, who had been arrested without warrant, on the mere orders of managers of estates, for neglect of duty and other simple breaches of contract. In the first place, were these persons generally labourers on estates?—A. I think the greater part of the people in the country districts labour more or less on estates. They were in nearly all cases sent there by managers of estates.

Q. 95. Under what circumstances could labourers on estates be legally arrested without warrant?—A. Either when taken in the act of committing a felony, or, I believe it has been held, when there is a reasonable suspicion of a felony having been committed. Under the Immigration Ordinance there is only one breach of contract for which immigrants can be arrested without warrant. That is when they are two miles from their estate without a pass.

Q. 96. Do you call that a breach of contract?—A. It is a breach of the Immigration Ordinance.

Q. 97. Can you refer me shortly to that section? Is it the 107th?—A. Yes. They can be also in this colony arrested without warrant for wilful trespass.

Q. 98. That is when taken in the act I suppose? A. Yes.

Q. 99. Mr. Charles Mitchell—Is that applicable only to immigrants or to all people?—Oh! to every one.

*Q. W. Des Vœux.*

*24th Aug. 1870.* Q. 100. Sir George Young—You consider there is no other clause or provision in the Immigration Ordinance under which such an arrest would have been legal? Do you know if there was ever any doubt upon that point with other Magistrates?—A. As far as I have commonly heard, I believe that only one or two agreed with me.

Q. 101. Mr Charles Mitchell—If they were to refuse to work would it be considered that they could be sent to the lock-up for that?—A. I should certainly say not.

Q. 102. Was it considered here generally that they could be sent?—A. No. As far as my experience goes I do not think people were ever sent to the lock-ups for that.

Q. 103. None of the people you found in the lock-ups had been sent there to await the sitting of the Magistrate for that offence?—A. No; I do not recollect that that was generally one of the cases.

Mr. Cowie—Will the Commissioners excuse me for introducing a question? I do not understand whether the witness is referring to the cases of people who had been arrested without warrant and put in the lock-ups to be dealt with by the Magistrate, or people who had been put in the lock-ups by way of punishment.

Sir George Young—He is referring to cases of people whom he found in the lock-ups when he was appointed to the district, and who had been arrested without warrant.

Mr. Des Vœux—You have misunderstood me. I do not know that there was a single person in the lock-ups on the day I was appointed. What I mean is that on going to the police-stations in the first or second week after my appointment, I found people there confined: I do not mean to say they had been left there by my predecessor.

Mr. Cowie—I do not understand whether he is referring to people confined by way of punishment, or in intermediate custody with the view of being brought before the Magistrate.

Mr. Des Vœux—Oh, in intermediate custody.

Q. 104. Sir George Young.—To return to my question, was it for neglect of duty and other simple breaches of contract,—I

suppose neglect of duty means refusal to labour—or what were the charges brought against them?—A. It is very difficult for me to say at this time what the charges were. What I do know is that they were illegally arrested. All I remember at the time is that I discharged them from arrests which were illegal.

Q. 105. May we assume that they were generally charged under the Immigration Ordinance?—A. No, the leading case I mention was not under the Immigration Ordinance; at least if any of them were immigrants the charge would have come under either the Immigration Ordinance, or the Masters' and Servants' Ordinance, if brought by summons.

Q. 106. The President—Perhaps it might simplify the matter if you were to mention at what time this occurred. I suppose we shall find some record which will put an end to the uncertainty as to the nature of the charges at all events?—A. The police records will show every case I should say.

Q. 107. Then at what time did this occur?—A. I rather think it was in the first or second week that it began, and it was going on more or less for some weeks, after I took charge of the district.

Q. 108. What time was that?—A. In February 1867.

Q. 109. Sir George Young—I should like to press one step further the question as to the interpretation of the Act. You say that only one of two other Magistrates agreed with you. On what point was it that they did not agree with you in general?—A. I always held that arrests without warrant should not be allowed, except expressly permitted, either by Act, or by the custom of the Common Law. One particular case I mention here was a case in which immigrants were said to have deserted, and come back to the estate, and they were arrested in their own house on the estate after having returned. I always held that it absolutely required a warrant, and that they could not be arrested on the estate without a warrant.

Q. 110. For any breach of contract?—Yes: or for any offence under the Immigration Ordinance.

Q. 111. Was that point ever carried to a Supreme Court in your time?—A. I may mention that that particular point was the occasion of the insult to myself in Court which I mention in a subsequent paragraph of my letter.



G. W. Des Vœux The President—The question was, was it ever carried to a 27th Aug. 1870. higher court.

Mr. Des Vœux—No; after discussions about it in the newspapers, an apparently *ex cathedra* statement was made.

Sir G. Young—We want an answer as to whether the general point of law was ever decided by the court.

Mr. Des Vœux—No, it never was.

Q. 112. Sir George Young—Then your belief is that the course you pursued in this respect was not the customary one; at all events with some of the other Magistrates?—A. I was led to believe so from many causes.

Q. 113. And we may conclude from the behaviour of the officers of your court in having these people in custody and bringing them before the Court, that it was the course usually pursued before you took possession of the district?—A. Exactly. I believe the Inspector-General of Police on one or two occasions issued a general order to the police not to take persons into custody for mere neglect of duty.

Q. 114. Without warrant?—A. I never saw the paper myself, but in conversation with me the Inspector-General informed me that he either had issued or was going to issue a general order of that kind; and I believe it was issued.

Q. 115. You believe it has been issued since your time?—No; during my time, and I think also previously. I think that order alone showed that illegal imprisonment had been common.

Mr. Cowie—I may mention for the information of the Commissioners that an order to that effect was issued in 1853.

Mr. Des Vœux—I have always understood it was issued twice.

Q. 116—Sir G. Young—Can you tell us from your own knowledge about what dates these documents were issued?—A. I cannot say exactly; neither where I heard of it, nor when.

Q. 117. The President—You mention that several managers threatened you with legal proceedings in consequence of your conduct in this matter. Can you mention their names?—Yes. Do you wish me to give their names?

The President—Yes.

G. W. DesVoeux

27th Aug. 1870.

Mr. Des Vœux—Mr. Gill of Pln. *Farm*, Mr. Carruthers of Pln. *Houston*, and Mr. Gray of Pln. *Montrose*. As to legal proceedings, I dare say you are under a wrong impression. I do not mean suits against me; I mean by appeals called out in Court—by calling out “appeal” in a threatening tone of voice, and sometimes saying they should be obliged to inform the attorneys of estates.

Q. 118. Sir George Young—By legal proceedings you mean that they threatened to appeal against your decisions?—  
A. Exactly.

Q. 119. The President—By “legal proceedings” you mean appeals. By “other means of intimidation,” what do you mean?—A. Intimidation was rather in the manner and voice. It requires considerable acquaintance with the circumstances of the Colony to know that things which apparently are small elsewhere are by no means so here; and that it is a most decided intimidation to a magistrate even to mention in Court that they would be obliged to mention the matter to the attorneys of estates.

Q. 120. That is what you mean by intimidation, is it?—A. Yes; that is one.

Q. 121. What else did you consider intimidation?—A. I considered that intimidation.

Q. 122. Yes; but was that all you considered intimidation—calling out “appealed against” in Court?—A. I cannot exactly recollect the terms at this distance of time; but I know that appeals were more than once threatened in an almost menacing tone.

Q. 123. Sir G. Young—In Court?—A. Yes.

Q. 124. Will you explain somewhat more particularly how you succeeded in defeating the expedient you describe in par. 34? You say you ordered the police to forward you daily returns of prisoners. What further steps did you take? Or was that

*G. W. Des Vœux.* sufficient?—A. When the returns came and I saw a person in the lock-up, arrested without a warrant, charged with an offence for which a person could not legally be arrested without a warrant, I immediately struck his name off the list and ordered his discharge.

Q. 125. Did these daily returns contain statements of charges against the prisoners?—A. Yes.

Q. 126. The President—Was that proceeding strictly formal and legal—striking the name out and ordering the discharge without having the man brought before you?—A. It was the only practical remedy.

Q. 127. Was it strictly legal?—A. I do not consider, and never did consider, that I had the right to take even the plea of a man who was illegally arrested.

Q. 128. Will you answer my question, if you please? Will you mention the Ordinance under which you were able to discharge these men without seeing them or knowing anything about them?—A. I do not know any Ordinance; but I know that if a charge is brought which discloses—

The President—You were going on to say something further.

Mr. Des Vœux—I do not see what real difference it would make supposing they were brought and the charge was one of which the law did not authorise arrest without a warrant.

Sir. George Young—Let us confine ourselves to the legal point. You were going on to say "If a charge is brought which discloses."

Mr. Des Vœux—If it discloses an arrest without a warrant for an offence for which arrest without a warrant is not legal, I consider one is not authorised to take a man's plea.

Q. 129. Sir George Young—Do you apprehend that those persons would have had their remedy for false imprisonment?—A. I think so, most undoubtedly. At the same time the remedy for false imprisonment is practically no remedy to 19 out of 20

labourers or at all events to a very large proportion of labourers. *G. W. Des Vœux.*  
27th Aug. 1870.

Q. 130. You consider that these persons were illegally in custody and therefore all that they had been done was illegal from the beginning. In such circumstances you imagine they would have a remedy for false imprisonment?—A. Oh ! I imagine, undoubtedly, an action would lie.

Q. 131. But you do not know of any instances in which such an action was brought ?—A. I never heard of any action for false imprisonment here since I have been in the colony. I do not at this moment remember that there ever was one ; there may have been, of course ; but at all events they are very uncommon.

Q. 132. Mr. Mitchell—At the end of paragraph 39, you say that they devised various contrivances to evade the effects of this plan of yours of discharging prisoners arrested without warrant. Can you mention any of those contrivances ?

Q. 133. The President—Besides that of sending prisoners to the lock-ups on the day after the Court was held ; can you mention any other contrivances ? You say there were various contrivances resorted to ; can you instance any of those contrivances ?—A. If I had been aware I was going to be examined on every paragraph of my letter, I should undoubtedly have taken notes of the facts within my recollection, and also of the circumstances ; but it is exceedingly difficult at this distance of time to give precise cases, as I never took notes at the time.

Q. 134. Will you look at the 124th paragraph ?—A. Exactly I am quite ready to do so.

The President—" Ready and willing to produce strong evidence in proof of my facts and in support of my opinions."

Mr. Des Vœux—Exactly ; but I have never been asked to do so.

The President—That is what we are doing now ; we are asking you to give us these proofs and evidence. We wish you to

*G. W. Des Vœux.* produce them before us ; we are commissioned to get them from 27th A. 1870. you.

Sir G. Young—I think you must see, Mr. Des Vœux, that the facts before us are the facts in this letter. You are of course at liberty to add other facts to them, to supplement the different paragraphs of the letter in any way you can as we proceed ; but in conducting this enquiry the letter is placed before us as the substance of it,—the point from which we are to start ; and we can hardly do otherwise than ask you to produce the facts we have at hand. I suppose that, under the circumstances, we cannot expect to have from you, as I intended to have asked, specific cases of the kind you refer to in the 36th and 37th pars. of your letter. Those are facts which you must have had before you. You must have had many such cases before you in your Court ; and I had hoped you would have been able to refer us to them.

Mr. Des Vœux—I am quite sure ——. I know that ——— I remember ——. (A pause.)

Q. 135. Sir George Young—Could you, by referring to the records of your Court, produce to us the references to these cases?—A. I do not see how they would show it ; but I remember that when I first went to the East Coast District charges were brought to me with the names of a number of immigrants on the same piece of paper and included in same charge.

Q. 136. I suppose we could find some trace of that in the books, could we not?—A. No ; because they were refused. I would not take such charges except for a joint offence.

Q. 137. In what manner did the practice of forcing the doors of immigrants' houses come before you ? How did you obtain knowledge of it?—A. My first knowledge long before I had charge of a sugar district. I took a leading part in founding the Chinese Settlement, where there were immigrants from a very large number of estates in the colony.

Q. 138. Immigrants, that is, who had served their time on those estates?—A. Yes. From their statements I learned a great deal as to the inner working of the Immigration system.

Q. 139. As to this particular point?—A. As to that par-

ticular point among others ; the chief ground of their complaints *G. W. Des Vœux.* and why they dislike going back to the estates was that their <sup>27th Aug. 1870.</sup> houses were never their own, so to speak. They were continually liable to be invaded. When I took charge of this district, it came up incidentally—it never came up directly, because no charge was ever brought upon it.

140. To which district do you refer?—A. To the East Coast and East Bank Demerara River District.

Q. 141. In evidence what do you mean when you say incidentally?—A. I remember a case of theft of something out of an overseer's house at Pln. *Farm.*—I do not remember whether it was in evidence or how it came out, but it was admitted that all the immigrants' houses had been searched without any warrant.

Mr. Jenkins.—If I might interpose a question I would suggest that it might be asked whether that is legal under the laws of this Colony.

Mr. Cowie—I do not know why any question should be put as to the law of this colony. The Commissioners can ascertain it for themselves.

The President—Yes, I think we must ascertain that for ourselves.

Mr. Des Vœux—I remember a case on the West Coast in which a driver was very badly beaten by some Chinese for the very same thing, forcing himself into their rooms and attempting to turn them out. That was on plantation *Leonora*, I think, if I recollect aright.

Q. 142. Sir George Young—Was that when you were in charge of the West Coast District?—A. It was.

Q. 143. Did it come before you as a complaint, as charge of assault, or in some other form?—A. It came as a charge of assault on the driver. The driver brought a charge of assault against the Chinese.

*G. W. Des Vaux.* Q. 144. And this was offered as a justification—came out in 27th Aug. 1870. the case?—A. It did not come out as a justification. It was not really a justification of such an assault. The case was taken by me as one for a higher Court.

Q. 145. The President—Did you send it to a higher Court?—A. No. I did not send it to a higher Court. The evidence by the chief man concerned was very unsatisfactory. I was inclined to believe he had been beaten but he contradicted himself so that I did not send it on.

Q. 146. You have given us two instances to support the charge. Do you wish us to understand that there were many others which came before you in your judicial capacity, but so far as you remember these are the only two you can instance?—I do not mean others which you had reason to believe existed, but can you assist us to any more instances of the practice?—A. I do not recollect at this moment. I know that incidental proofs of it were often occurring, but it is extremely difficult to recall particular instances. I remember the Chinese of, I think it was either *Haarlem* or *Windsor Forest*, I am not sure which, complaining to me on the subject of their houses being searched for sugar.

Q. 147. Do you mean that they came to the court to complain?—A. Yes, after the court.

Q. 148. After hours?—A. Yes.

Q. 149. Did you on that occasion give them the advice you mention here to bring a criminal charge against the aggressor?—A. That is just what I was trying to think. I cannot recollect in regard to that case, but I know I have done so several times.

Q. 150. You do not remember any charge ever having been brought in consequence of that advice?—A. No, there never was an actual charge; several times it has very nearly come to that, but it is very difficult to convey an idea of the fear which immigrants show when it comes to the actual point of bringing a formal charge. They will make complaints, but when it comes to the question of speaking out they are afraid.

Q. 151. You have mentioned in your evidence that you used

to discharge men without their being brought before you. We *G. W. Des Vaux.*  
should like to know how cases are treated in the magistrates' 27th Aug. 1870  
offices from the first apprehension of the prisoners by the police.  
A man is apprehended by the police; what is done next?—A.  
This is what I believe is done: When a man is apprehended by  
the police, the ordinary practice is to leave him in the lock-up,  
and take the charge before one of the neighbouring Justices.  
It is a mere form, because, as a rule I believe, the people in  
custody are not taken.

Q. 152. We know nothing of police work here; we have to  
learn everything. If, therefore, you will not give very long  
answers, it will be convenient, as we want to take them down.  
A man is apprehended by the police and is locked up?—A. Yes.  
As a rule, I believe, the charge is taken before one of the neigh-  
bouring justices, who writes "Remanded" across it.

Q. 153. The police make the charge, do they?—A. No, I  
believe the person who gives the man in custody writes the charge  
and sends it with the prisoner to the police station.

Q. 154. And the prisoner is then locked up in the police station?  
—A. Yes.

Q. 155. And the police take the charge to a neighbouring  
magistrate?—A. Not to a neighbouring magistrate, but to a  
neighbouring Justice of the Peace. It may be to a Stipendiary  
Magistrate, but as there are three or four Justices of the Peace  
to one magistrate, the chances are that it is oftener to a Justice  
of the Peace than to a magistrate.

Q. 156. And then the Justice of the Peace writes "remanded"  
across it?—A. Yes; that is, I believe, done in nine cases out of  
ten without any inquiry whatever.

Q. 157. Is the charge on a printed sheet?—A. No. They  
are written on any piece of paper—at least I have never seen any  
private form for prisoners taken to Police Stations.

Q. 158. The Justice of the Peace writes "remanded" across  
the charge, and what happens next?—A. The man is remanded  
until the next regular Court day of the Magistrate of the  
District.



*G. W. Das* *Yapa* Q. 159—How often does the Magistrate hold a Court?—A. 27th Aug. 1870. It varies. In one district, four times a week; twice at one station, and once at two others. It varies in almost every district. In very few districts is the Court held more than once a week in the same Court-room. I may mention that one of the reasons for being particular is that it is impossible for Stipendiary Magistrates to be anything like every day at all his Police Stations.

Q. 160. And then the prisoner is brought up on the next Court day held at the nearest station, or does he go to whatever station the magistrate sits at?—A. In my district, except at one police station, I never tried any prisoners that were not in the lock-up at that station. At Plaisance the prisoners are brought from Beterverwagting, but I think in all the others the magistrates only try the prisoners then confined in the station at which they sit.

Q. 161. Then when you go to the station and the prisoner is brought before you, you go on with the trial, or is there a further remand?—A. Are you asking me as to my practice or as to the general practice?

Q. 162. I suppose the practice would be the same everywhere, because it must be according to law, I imagine. What is it that the law requires?—A. Undoubtedly, that the man shall be brought before you; and my practice always was to take care that there was at all events some evidence to justify a further remand if anything prevented the case from being tried at once. But generally the cases were disposed of then—I may say also I used a very liberal discretion as to bail, and I only know of two or three instances at the outside where there was an eventual escape.

Q. 163. When the case came on again it would be disposed of generally, I suppose?—A. Yes. But there are of course a variety of circumstances in particular cases.

Q. 164. But I mean as a general rule?—A. In nine cases out of ten I presume a case would be tried on the very first day on which a court was held, in a very large number of cases at all events. Of course there were cases in which people were confined for a very long time, especially cases in which they had committed violent assaults and the prosecutor was not able to attend.

Q. 165. Then except the slip of paper upon which the charge was written had you any record of the cases at all?—A. I do not think cases were recorded until they were tried.

Q. 166. What was the record at the trial of the case?—A *G. W. Des Vaux.*  
 There was a Record Book kept in which the names of the com- 27th Aug. 1870.  
 plainants and defendants, the date, and the place at which the  
 court was held, and the penalty were entered. If the case was  
 sent to a higher court an entry to that effect was made. At  
 the police station a record was kept by the police of all prisoners  
 in the lock-ups and showed how they were disposed of by the  
 Magistrates or Justices.

Q. 167. That Police record is something more than this piece  
 of paper to which you have referred as containing the charge?  
 A.—Yes, Justices of the Peace have no right to entertain com-  
 plaints so that the remand is a mere form with them. They  
 have not the right to administer an oath even.

Q. 168. Then what was the daily report which you got from  
 the Police?—A. They were the complainant's and defendant's  
 names and an abstract of the charge in another column.

Q. 169. Was the form according to your own dictation or was  
 it a police form?—A. I think it was a form that had been in exis-  
 tence before and which was usually sent to magistrates on the day  
 before their courts were held. If I recollect rightly that was it.

Q. 170. Sir George Young—There must have been a further  
 entry as to whether the prisoners had been arrested on warrant or  
 not. That was the point you wished to ascertain, was it not?—  
 A. A constable generally brought the return from the station.  
 I had the greatest number of returns from *Rome*, and a constable  
 always brought them, who was able to answer questions as to the  
 circumstances connected with the arrest of the people.

Q. 171. Do I understand that there was no entry in this paper  
 to suit you as to the fact. You were anxious to ascertain  
 whether the prisoners had been arrested on warrant or not—A.  
 Oh yes! There was "warrant" and "charge;" "charge" being  
 put in some cases, and "warrant" in others.

Q. 172. And where "warrant" was not put you understood  
 there had been no warrant?—A. They very often brought the  
 "warrant" and the "charge" down with them. Sometimes they  
 brought the charges with the sheet. I know the Constable from  
 Rome Police Station was in the habit of doing that.

*G. W. Des Vœux.*

27th Aug. 1870. Q. 173. When you discharged them did you make any entry in the "sheet" or on the charge?—A. I believe my ordinary practice was to write on a sheet of paper an order to the sergeant or officer in charge of the police station.

Q. 174. To do what?—A. To discharge such and such a prisoner.

Q. 175. Did the officer keep that paper or return it to you?—A. I never saw it again, but possibly the clerk of the district did.

Q. 176. If the officer disobeyed your order and still kept the man in prison in the lock-up?—A. One always knows that, when he arrived at the police station. The great distance between the police station and the residence of the magistrates make all kinds of practical difficulties.

Q. 177. Yes ; but I should have thought that if you issued an order you would get a return upon it in order that you might know whether it had been executed.—A. I took it as a matter of course ; they always did obey the orders as far as I am aware I never knew a case in which they did not.

The Commission then, at half-past one o'clock, adjourned for a quarter of an hour.

On resuming at a quarter to two, the examination of Mr. Des Vœux was continued.

Q. 178. The President—In the 38th paragraph of your letter you complained of invidiously distinct positions in court being assigned to the managers of the estates ; was that merely by their remaining on the bench during the trial of their cases?—A. Partly that, and partly by special and distinct places being kept for persons prosecuting on behalf of the estates, not always on the bench.

Q. 179. Special and distinct places were kept for persons prosecuting on behalf of managers in Magistrates' Courts?—A. What I mean is that I have seen benches placed in particular positions, and when any but those connected with the estates attempted to sit there they would not be allowed to do so—

unless there did not happen to be anybody connected with the estates present. They generally occupied one position in Court. The estates' cases were tried first, and then these places would be filled up by other people, but they were apparently not permitted to go there before.

G. W. Doe *Pres.*  
27th Aug. 1870.

Q. 180. Sir George Young—Have you any idea what proportion of your time was generally occupied by what you call estates' cases?—A. I should say more than half my time was occupied by estates' cases. Of course I mean ordinarily. There might be days on which there were very few.

Q. 181. And of those estates cases, were a majority or a great majority of them complaints of employers against labourers? A. A great majority were complaints by employers against labourers.

Q. 182. Did you observe generally, where there were many complaints by employers against labourers there were also many complaints by labourers against employers?—A. Complaints by labourers against employers were very few indeed; that is, cases actually brought into Court.

Q. 183. Did they seem in any way to follow the run of the others, I mean?—A. I rather think it was the reverse. Very frequently, indeed, when an immigrant either sued for his wages or brought a charge against one of his superiors connected with the estate, there was a counter charge brought afterwards.

Q. 184. Were the estates noted for the fewness of the complaints by the managers against labourers also noted for the fewness of the complaints by labourers against managers?—A. In the first district I was in, there were two estates from which I do not think I ever had a complaint either by an immigrant against an employer, or by an employer against an immigrant I refer to *Cummings' Lodge* and *Turkeyen*.

Q. 185. Who was the proprietor of *Turkeyen*?—The manager was Mr. Morgan. I do not know who the proprietor is.

Q. 186. And "*Cummings' Lodge*": is that Mr. Clementson's estate?—A. It is. There may have been one or two complaints from that estate, but I do not think there were any.

Q. 187. What was the most usual charge against labourers

*G. W. Des Vaux.* on estates? or was there any more frequent than others?—A. 27th Aug. 1870 Absence from work.

Q. 188. A general charge of absence from work on a particular day—not a charge of not having completed a certain amount of work in a week?—A. The latter was very common also. But I always tried myself to discourage those charges on account of the extreme difficulty I always had in regard to the standard of work, I always said that in such case it would be generally easier to prove absence, which brings the same penalty with it. When I say always I mean frequently. I do not mean that I did so on all occasions, because I have convicted a considerable number of persons on that form of charge. I did my best to discourage it.

Q. 189. You did not regard that proviso to which we were referring a short time ago as of sufficient importance to induce you to encourage that form of charge. I mean the proviso contained in sec. 8. By the by, which Act were you acting under? Was Ordinance No. 9 of 1868 passed when you were in the Colony?—A. In the first district I was in, the old act was in force; I mean "The Consolidated Immigration Ordinance" of 1864. I think when I was on the West Coast District the other was in force. I consider that the difficulties were very little removed by the new Act. It was an excessively difficult thing.

Q. 190. My question referred to this :—You discovered the charges for not performing five days' work; then you did not regard the proviso inserted for the protection of the Immigrant which made it your duty to inquire whether he was fit to perform the work?—A. When the charge was brought I frequently stated to Managers that it must be easier to show that the Immigrant had been absent than that he had not done five tasks. It was very much more easy to prove.

Q. 191. You discouraged by indirect means the bringing of charges under that section, but I want to call our attention to the fact that the proviso that makes it the duty of the magistrate and gives him power to ascertain whether the immigrant is able to do the work, and forbids him to convict if he is unable, applies only to that 8th section?—A. Yes. But this new act does not make it the magistrate's duty to inquire. It only says that if it shall appear to the justice that the man is unable to do the work

the charge shall be dismissed. The words are totally different from *G. W. Des Vaux*. those in the old Act, under which it was the actual duty of the *27th Aug. 1870.* Magistrate to inquire and satisfy himself on the point,

**Q. 192.** Just refer to sec. 115 of the Consolidated Ordinance. "Provided always, that it shall be the duty of the Magistrate before whom the complaint is brought under this section to inquire and ascertain how long the immigrant charged has been in the Colony, and to satisfy himself as to his ability to perform the work assigned to him, and if it should appear to such Magistrate that such immigrant, either from want of experience or from bodily infirmity, is unable to perform five days' labour or five tasks within the week, the complaint shall be dismissed." In carrying out your duty under that section would you remand for the purpose of further inquiry or would you consider in general that you had sufficiently fulfilled it by making inquiry from persons already in Court? **A.** Sometimes I undoubtedly adjourned for further inquiry.—You mean as to bodily infirmity and want of experience on the part of the immigrant?

**Q. 193.** The facts you had to ascertain were how long the immigrant had been in the Colony?—**A.** That was always ready in Court. The indenture paper would show the time a man had been in the Colony. And the manager would very seldom bring a case to Court without bringing that with him. It was the rule to bring it. As to whether a man is able to perform the work really the only thoroughly satisfactory evidence would be medical evidence as to the man's capability.

**Q. 194.** You see my point. What did you do under section 115 of the "Consolidated Ordinance," which ceased to be your duty to do under the new Ordinance?—**A.** I cannot recollect in the 1st District postponing cases for the sake of getting evidence.

**Q. 195.** The President—Which is the 1st. District?—**A.** The East Coast and East Bank Districts.

**Q. 196.** As to paragraph 39, what is the ordinary mode of a Magistrate's work, taking one district with another. You say "in this district," but I do not know which district you refer to?—**A.** It is the East Coast and East Bank Demerara River District. It is the district in which by far the greatest amount of work has to be done by the Magistrate.

*G. W. Des Vœux*

The President—I see you had about 14 cases a-day taking one 27th Aug. 1870. day with another.

Q 197. Sir George Young—You say you sat on 4 days a week; What time were you generally occupied each day? A—The courts were some at ten and some at eleven, if I recollect aright and continued until various times—four, five, or six o'clock. In fact no two would be the same. The severity of the work is as much the travelling as anything else.

The President—The number of cases, between four and five thousand in a year, did not strike me as being very heavy work.

Mr. Des Vœux—I never heard of any one having to do it that did not complain of it as being too heavy. I have known three or four who have complained. I do not mean a formal complaint, but they have spoken of it as excessively heavy work.

Q. 198. The President—In the next paragraph you speak of your "openly avowed enemies," and in a note of your most "determined and powerful enemies," whom you say you had "curbed in various illegalities." What were the "illegalities," and who were the people you "curbed?"—A. The only way I can answer such a question is by having access to the records of my district and spending a week or two in searching them.

The President—That is just the thing we should have wished you to have done.

Mr. Des Vœux—I had no idea the Commission was to be an inquiry into the statements in my letter. Until this moment I always thought it was a general inquiry as to the treatment of immigrants. Until I saw the Commission yesterday I had no idea it would be this sort of examination, so that I really am unprepared for it altogether. I was not informed of it in any way. The first intimation I had of this inquiry being into the statements of my letter was in the Commission as published in the papers. The despatch of the Secretary of State by which I was instructed to come here called it an inquiry into the condition of the immigrants at which I was desired to attend as a witness.

The President—I should have thought you must have expected

to be called upon to explain everything in your letter on which *G. W. Des Vœux*  
the inquiry is founded. 27th Aug. 1870.

**Mr. Des Vœux**—If I had done so I should have sent about for witnesses as to particular statements, and have gone about to the different police stations, and have searched the records of the different districts. It is quite impossible with the immense variety of circumstances that happen from time to time and without anything whatever to assist one's memory to be very precise about matters that happened three or four years ago, and in various localities. I have the conviction on my mind that I did see records of circumstances bearing on the particular points, but it is very difficult at this time to speak with precision.

**The President**—It must be evident to everybody that the proper way for us to carry out the inquiry which they has been entrusted to us, is to examine you in the first instance upon all these assertions which you have made; and we must continue that examination. If what you have now at last told us, that you are not prepared with answers without searching records and entering into details by consulting the records of your courts and finding information there—if you had only mentioned that at first we should have gone on quicker with the examination. We must go on now and see what information we can get from you and what you are prepared to give now; and then you must afterwards consult the records and explain everything you may be required to explain. If you want any assistance in getting access to the records our Secretary will bring to our notice any request you may have to make, and we will do our best to help you in every way. But we must go on with the examination faster than we have been doing. If you are not prepared to answer you must say at once "I desire to refer to records, or to look into cases, and to refresh my memory," and let us know at once what you are prepared to answer and what you wish to have time for consideration about.

**Q. 199.** Sir G. Young—In a note you mention two decisions against which complaint was made, I shall be glad to know if you have it in your memory, what is the nature of the complaint against the decisions was. Was a decision upon the interpretation of the Immigration Ordinance?—**A.** I do not recollect; but the letter is in existence.

**Q. 200.** Your objection was to the reference made to you—it



G. W. Des Vœux was a reference, as I understand, from the Executive?—A. A reference from the Executive; yes.

Q. 201. To which your answer was that you considered the matter a subject of appeal on a legal point? This was your explanation in effect?—A. Oh! no: I began by protesting against the matter being referred to me, as far as I recollect, and then went on afterwards to explain.

Q. 202. Would it not be a matter of course that if a complaint of a magistrate's decision was made to the Executive that the magistrate would be called upon to explain the matter?—A. I imagine the Court of Justice is the proper place to deal with the judicial decisions of magistrates.

Sir George Young—I am talking of a complaint made against a magistrate in the discharge of his duty.

Mr. Des Vœux—Of the executive functions of a magistrate of course the Executive is the proper body before which to lay a complaint, and then of course, the magistrate is bound to answer. But I do not think that when it is a matter of a judicial decision that the Executive is the proper tribunal to decide such questions.

Sir George Young—I will give you an instance: I think you must have noticed that when questions are put in the English Parliament to the Secretary of State for the Home Department as to the conduct of a Magistrate, it surely is the general custom to write to the Magistrate and ask for an explanation of the circumstance.

Mr. Des Vœux—I recollect one of these letters was with reference to a nominal fine which I had imposed.

Q. 203. Sir George Young—You did not consider the reference to you in the light of a request to re-consider your decision or anything of the kind? In fact that was impossible I suppose the matter was decided?—If I recollect right the reference to me was——

Q. 204. The President—Have you not got these letters?—A. I have either letters or copies of some letters in my possession, but I do not know whether I have that one. At all events they are easily obtained from the Government Secretary's Office.

Q. 205. Were they from the Government Secretary?—A. Yes. *G. W. Des Vœux.*

27th Aug. 1870.

Mr. Grant, Govt.-Sec.—Perhaps I may be allowed to state that any letters in the Government-Secretary's Office I will produce directly. Many of them I could get in five minutes : this particular one I believe I could get in two minutes.

The President—Thank you : we will not trouble you to bring them now.

Q. 206. The President—In paragraph 43, you say that in the West Coast District you found " all the abuses before alluded to, existing in an even more exaggerated form, and moreover that cruelties were being practised on the immigrants, apparently without check or hinderance." I should like to have instances of these abuses and cruelties. Are you prepared with any instances?—A. No ; I am not prepared at this moment. There is one instance I mention here in which some immigrants on an estate had informed me that such things had happened before, but they had been afraid to complain and thought it of no use to do so.

Q. 207. Who was the manager, and when did that occur?  
Mr. Des Vœux—Which case do you refer to?

The President—The one mentioned in par. 44.

Mr. Des Vœux—Mr. Manson of Pln. *Leonora*.

Q. 208. The President—And when did it occur ? about what time?—A. It was about, I think, early in last year.

Q. 209. Do you recollect what the result of that case was ?

Mr. Des Vœux—By " the result," do you mean the punishment inflicted ?

The President—Yes.

Mr. Des Vœux—A fine.

Q. 210. The President—The manager was fined?—A. Yes ; I do not know exactly what amount. I think the charge was for assault, and I rather think I gave the highest fine for an ordinary assault, \$24 ; but I am not quite sure.

Q. 211. In par. 46 you mentioned another case of assault by a manager of an almost equally large estate. Who was the

*G. W. De Vries.* manager, and what was the estate?—A. Mr. Cameron of *Wind-  
27th Aug. 1870. sor Forest.*

Q. 212. When did that occur?—A. It occurred, I think, about the same time.

Q. 213. Do you recollect what the punishment in that case was?—A. That was a complaint of ill-usage, and the full fine for that offence is \$48.

Q. 214. But in this particular case what was it?—A. I think it was somewhere about \$40 and costs.

Q. 215. Then you say that with respect to this gentleman you had been informed that he had been repeatedly guilty of similar acts, but that the immigrants were afraid to complain. Was that during your stay in the district?—A. It repeatedly happens that when Immigrants come up with a complaint, when it comes to the point of bringing it into Court they prefer to drop it.

Q. 216. You say here that the sufferers were either afraid to complain, or thought there would be no use in doing so? Do you mean that that occurred whilst you were there?—A. I mean to say that some of the immigrants told me he was in the habit of doing these things, and that people had been afraid to bring him before the Magistrate. The Chinese on that particular occasion told me so.

Q. 217. In the next clause of the same paragraph you mention that upon one occasion an assault had been committed upon a Coolie, but that he employed a lawyer and the case was compromised. Will you mention the parties in that case?—A. A man of the name of Hulloman.

Q. 218. Was he the manager?—A. He was a driver, I believe, but I am not sure.

Q. 219. Do you recollect the Coolie's name?—A. That was the Coolie's name.

Q. 220. And who was the assailant?—A. It is mentioned in the letter that it was the same person who was guilty of the assault mentioned in par. 46.

Q. 221. Sir G. Young—Mr. Cameron?—A. Yes.

Q. 222. The President—It is rather to be inferred than actually mentioned. Who was the lawyer employed?—A. The lawyer employed by the Coolie was Mr. Brandon, I think; and

the lawyer employed by the manager was Mr. Campbell, I believe; but I am not so sure about that as the other. I do not know that there was a lawyer employed on behalf of the manager; but I know that Mr. Campbell had acted for the manager before, so that I presume that if a lawyer was employed it would be he. *G. W. Des Vœux, 27th Aug. 1870.*

Q. 223. Mr. Mitchell—Was this Hulloman an indentured immigrant?—A. I do not know.

Q. 224. The President—In the 49th par. you say “The reform of these abuses was not accomplished without arousing against me again the enmity of the planting body, while my compulsory residence among them gave them opportunities of displaying it in a more disagreeable form”?—(No answer.)

Q. 225. Can you give us any information?—A. (after a long pause) I will write it down, but I do not think this is the place to examine into my private life. I will write it down as if under oath; but at the same time I do not think —

Q. 226. You do not wish to mention it?—A. (After a long pause.) I will answer it; I have not any very great objection to answer it, but at the same time I think it is a position in which I should not be placed, to make public the small matters which occurred in my private life in the district.

The President—It is a position in which you have placed yourself; but if you don't wish to state what it was, just say so.

Mr. Des Vœux—I do not wish to, at the present moment.

Q. 227. The following paragraphs are very much private matter, personal rather to yourself; I suppose you have the same objection to go into them and we do not care to request it; but in reference to paragraph 56, if you will turn to the second clause of that, we should like you to put us in the way of verifying what you say there?—A. Well, these “feeding returns” I presume, are in existence. I believe the police keep them.

The President—Perhaps it would be better if you could make out a statement.

Q. 228. Sir George Young—If you could give us the dates;—or could you by a statement rectify the paragraph?

Mr. Des Vœux—I do not understand you, Sir.

Sir George Young—You say that no magistrate, you believe,

*G. W. Des Vœux.*  
27th Aug. 1870. ever was more severe on proved crime and misconduct, and in proof of that you mention that in the eleven months during which you held the office in the district you ordered more flogging than had ever taken place before in a similar time, and that out of a population of twenty thousand at the most, you sentenced over twelve hundred to imprisonment with hard labour.

Mr. Des Vœux—That is easily ascertained from the records.

Q. 229. Sir George Young—Can you get it for us?—A. I imagine the Inspector General of Police would be able to furnish information with respect to the flogging and the Clerk of the District with regard to the persons in prison.

Mr. Cowie—I am informed that the Inspector General of Police will be able to give the Commission information on these subjects.

Mr. Des Vœux—I may mention that the flogging was only for one particular offence, plantain stealing—plantain and other provision stealing. The Magistrates have not the power of awarding flogging for anything else.

Q. 230. Sir George Young—I suppose the conclusion you draw from the “feeding returns” being reduced, is that the number of persons in the lock-ups had been reduced by one third, is that it, or is there anything else?—A. No. What I mean is that there had been at least an equal number in the lock-ups, but that they had been fewer days in confinement. I do not think the work of the district was at all less. I am almost sure the Clerk informed me that it was greater that year than ordinarily. At all events it was not less.

Q. 231. With regard to the plan you propose for the reform of these abuses as you consider them, you have explained it pretty clearly here; but if there is anything more you would wish to give us, as supplementary to what you had stated, we should be glad to hear it now. You have made a suggestion as to the future discipline of Stipendiary Magistrates?—A. I think the most important thing of all is the fixing of a standard of work for wages.

Sir G. Young—I mean with regard to this particular proposal of a system of Stipendiary Magistrates. If you will look at your letter, par. 60, you will see the particular passage I am alluding to.

Mr. Des Vœux—There is nothing that I desire to add.

**Q. 232.** Sir George Young—Is there any power under the *G. W. Des Voeux* Acts as you administer them of punishing an illegal stoppage of 27th Aug. 1870. wages before the Magistrate? Wages may be summarily recovered before a Magistrate may they not?—A. Yes, summarily recovered, but I know no means of punishing it.

**Q. 233.** The President—In your note to par. 60, you say that “a common practice exists among managers of estates which are conveniently situated for the purpose of coercing the neighbouring villagers to work by vexatious charges of trespass;” and you add “I have known cases where individuals have been thus charged for using a right of way which had existed for many years, though hundreds of others were passing over it daily, whom there was no intention, or even desire of prosecuting.” I do not understand how that coerces the villagers to work. Can you explain it?—A. The only thing is—perhaps I have not used exactly the right word, but it is a way of punishing those who are obnoxious to the managers on account of not affording work, and of inducing others who want such a convenience to work for the estate.

**Q. 234.** Then those who would work were allowed to use the road and those who would not work were not allowed to use it?—A. It is in that spirit. I don’t mean to say it was carried out as rigorously as that: but I recollect a case—I think it was at *Peter’s Hall* and another at *Houston*—neither of them were public ways but ways which people were commonly using; and I think in both cases, if I recollect right, the manager said the fact of the defendant using the road was not the cause of his being brought up. I do not exactly recollect, but I think in both cases that was stated.

**Q. 235.** This occurred in your district?—A. Yes.

**Q. 236.** But you are not referring to what happened in your Court, are you?—A. Yes; to what happened in my Court, to the best of my recollection.

**Q. 237.** And you say the prosecutor said the fact of their using the roads was not the reason of their being brought up?—A. Yes.

**Q. 238.** Quitting this subject, there is one more question I should like to ask if you will turn over the pages to paragraph 86. You say there that it is notorious that very many informations are most improperly compromised by money

*G. W. Des Vœux.* payments. Had you any means of ascertaining for certain that many of those cases that were dismissed by yourself had been compromised out of court?—A. Well there is a curious disproportion between the number of cases actually tried and those brought; and immigrants frequently told me that they were in the habit of paying money to compromise them. I cannot recollect the particular cases; but as far as I always heard from immigrants, it is a common thing throughout the Colony. I believe there are very few cases in which it is not a common thing to take the costs of the summons.

Q 239. Is the statement to be considered as common report or as a necessary inference?—A. I have understood from a proprietor that he was in the habit of recommending his managers to take the costs of the summons rather than bring up a number of cases—to compromise cases for the cost of the summons and then drop them. Still, that is not what I alluded to. I alluded to larger sums. I especially alluded to cases where fines are levied.

Q. 240. Sir George Young—Did it come to your notice that an estate was in this respect, or in any other respect, governed by by-laws of that kind; and that a manager instead of bringing a charge to enforce some by-law of his own making would himself impose a fine? You talk of fines being levied; do you mean fines in the discretion of the manager, or fines regulated by some by-laws in force on the estate?—A. I mean fines in the discretion of the manager. There is a general concurrence on the point by immigrants from all parts of the colony. I learned it, I know, very early in my career that it was a common practice: and I unhesitatingly say from what I have seen, even lately, that it is. That is to say, the concurrence of a large number of people who have had no previous concert goes to show that the fact is so.

Q. 241. The President—In paragraph 125 you refer to some Ordinance passed by Sir Philip Wodehouse. What Ordinance was that?—A. It would be Ordinance 19, of 1856. I was not in the colony at the time; but I think Ordinance 19, of 1856, was passed by him.

The President—It appears to have been an old Ordinance, which must have left some impression upon your mind.

Mr. Des Vœux—I mean to say that up to a certain period

in his career, ordinary justices of the peace had control over all other than immigration offences.

*G. W. Des Vœux.*  
24th Aug. 1876.

Q. 242. The President—You speak of “the Ordinance passed by him, which took away all summary jurisdiction from the ordinary justices of the peace.” What Ordinance was that?—A. I think it was No. 19, of 1856. I was not in the colony in Sir Philip Wodehouse’s time, and I only know by common report that he did do so.

The President—I only want to know what the Ordinance was.

Mr. Des Vœux—It was not the Ordinance, it was the fact of its having been done that I wished to call attention to.

Q. 243. The President—But I want to know what Ordinance the fact was done by; can you tell?—A. I do not know at the moment, but I could find out.

Q. 244. There is no doubt it may be found out, but you do not know it?—A. Not at the moment.

The President—Have you any questions to suggest, Mr. Cowie?

Mr. Cowie—The Commissioners will understand that I am under a little difficulty in examining Mr. Des Vœux at present. His answers in many particulars are so very vague that if, as I presume, the Commission would desire to recall Mr. Des Vœux, I should prefer postponing any questions I have to put until afterwards. I would rather postpone suggesting any questions I may have to put to him until his examination is concluded. The Commission will understand that I am nearly at sea at present; we have so few salient points to go upon beyond the statements in this letter.

The President—Is there anything you would like to suggest to us to ask Mr. Des Vœux, Mr. Jenkins?

Mr. Jenkins—I do not know within what limits questions would be permitted.

The President—You are at liberty to suggest to us anything you would like us to put. Of course we shall put only such as we think proper.

Mr. Cowie—I merely ask to be allowed to put any questions I may wish to put through the Commission to Mr. Des Vœux, after his entire examination has been completed; because at present I hardly feel in a position to put any particular questions.



*G. F. Des Vœux*

27th Aug. 1870 Sir George Young—At present there is no particular question you wish to put ?

Mr. Cowie—Just so.

The President—The Court will accept questions at any time before the examination of the witness is concluded. I merely suggested that questions should be put now because the subject is fresh in our memory.

Mr. Cowie—Then I shall prefer reserving any questions I may wish to put. If for no other reason, I may say, from a sense of fairness to Mr. Des Vœux, as he seems to express himself unable to answer many questions for want of access to records and other things.

Mr. Jenkins—With reference to the statement made as to that difficulty of obtaining justice in the Stipendiary Magistrate's Courts, will the Commission ask Mr. Des Vœux if he can give any particular instances which have come under his observation either in Court or from conversation, with any person, whether Coolies or otherwise, which have given him ground for that impression ?

The President—What impression ?

Mr. Jenkins—The impression that there is a difficulty, or at all events that there is in the minds of the Coolies a doubt as to the possibility of obtaining justice in the Stipendiary Magistrate's Courts.

The President—To what paragraph do you refer ?

Mr. Jenkins—Not to any particular paragraph of the letter ; rather to a question put by yourself : " Can you give us any instances of the difficulty of obtaining justice in the Magistrates' Courts ? " I wish the witness to be asked whether or not he can recollect any cases which would enable him to answer that question more fully than he has done.

The President—You wish us to repeat a previous question ?

Mr. Jenkins—May I put it in this form ?—Has he ever heard the Coolies say so ? Will you, sir, ask whether he ever heard complaints from Coolies to that effect ?

Sir G. Young—I think we have it sufficiently in evidence already.

Mr. Jenkins—I do not think the question has been answered in that form. *G. W. Des Vœux.*  
27th Aug. 1870.

Sir George Young—I have the questions on my notes: "Can you give us any other instance," and the reply was that by personal observation he did not mean what he had seen himself, but what had been stated in Court, and reports in newspapers, and hearsay of various kinds, and that having already given us one instance which he considered sufficient to establish his case to a certain extent, he then gave no others.

Mr. Jenkins—I wish the Commissioners to ask Mr. Des Vœux whether he ever conversed with Coolies on this subjects, especially Chinese on this subject, and obtained any information from them. I think that if questions were put in that specific form it would elicit some information.

Sir George Young—I think it would be sufficient to ask Mr. Des Vœux if there is any person he would wish to have examined in support of what he has said.

Mr. Jenkins—I wish him to be asked whether he has formed the opinion from what the labourers said to him, that they thought they did not obtain justice.

The President—That would be of no use, unless we had before us the persons from whom he got the information.

Mr. Jenkins—I would suggest that the Commission here should not only ascertain facts, but also opinions. I do not know whether I am right, but if wrong I may be corrected. But if the question is objected to I shall not press it.

Sir George Young—I should certainly object to put a question so directly pointing to hearsay evidence as to matters of fact in respect to which we can obtain better information. It would be of no use to us to be told that certain persons had told some one else what their impression was.

Mr. Jenkins—I have only suggested the question; of course I cannot enforce it: I therefore now request the Commissioners to ask him whether he remembers anything in the form in which justice was administered in Magistrate's Courts which gives him the idea that justice was not generally done in those Courts.

Sir G. Young—Could you put the question in a more parti-

*G. W. Des Vœux.* cular form? It is a question which as framed I shall hardly think a fair one if it were put to me.

Mr. Jenkins—May I suggest a matter of fact and ask him to answer “yes, or “no”? Perhaps the Commissioners would not allow that.

Sir George Young—I see no objection at all:

Mr. Jenkins—Then will the Commissioners ask Mr. Des Vœux whether he ever knew a case in which a Magistrate allowed an entry on the Muster Roll of absence to be given as proof of absence without the attendance of the writer to testify to the fact.—Supposing a person were brought up under the 16th section of Ordinance No. 4, of 1864, or the 11th section of Ordinance No. 9, of 1868?

Mr. Des Vœux—It is not the Muster Roll that is meant. There is a difference between the Muster Roll and the book which records absence from work. The Muster Roll is merely a record of the persons called out in the morning. There is another book in which the names of all the immigrants are mentioned, the amounts they have earned, and the days on which they have been absent, and when no work is entered. A. stands for absent, H. for hospital, and so on. It is a different thing from the Muster Roll.

Q. 245. Sir George Young—Well, does that suggest anything you may wish to have in your previous answer?—A. Yes; there is something I should like to speak about. When immigrants are brought up for absence from work as a rule they acknowledge their absence and make some excuse; but sometimes they say they have not been absent, and then reference is made to the prosecutor to prove the absence. He states that they were absent. I have asked for the reason of his belief that such and such a person was absent, and have been referred to the pay list on which A is marked against the name. Astonishment has been shown on several occasions that I should not be satisfied with that evidence. In fact I was told that that was looked upon as conclusive proof. It has sometimes happened, as far as I understand the practice, that the entries of the names have been written by one person and the reports of absence by another, and sometimes neither the one who has made the entries, nor the one who has noted the absence appears to prosecute.

Q. 246. This book you are speaking of is it one of

the registers required to be kept according to the Ordinance—is it one of those returns or registers which the manager is required to keep, or is it only a business book of the estate?—A. It is not required to be kept by the Ordinance, as far as I am aware. The Muster Roll is the only thing to show absence or the reverse. I believe that in the new Ordinance—I do not think I ever had a case under it—there is an alteration of the rule as to the muster. It is no longer necessary to call the muster in the morning ; but something else is substituted.

Mr. Jenkins—May I put another question? With reference to par. 25, the witness gave evidence that he considered many persons cured of fever were unable to work immediately after coming out of hospital. He says that people told him they were weak and unable to work, and their appearance showed him that they were. I should like to ask him what was the special difficulty of their taking advantage of the proviso contained in clause 15 of the original Immigration Ordinance, and clause 8 of Ord. 9, of 1868.

Sir G. Young—I think we have sufficiently ascertained that.

Mr. Jenkins—I think the question was not put—what was the special difficulty in his way in getting evidence as to the physical capacity of an immigrant.

Sir G. Young—Certainly, the question was put.

Mr. Jenkins—Mr. Des Voeux states that it was very difficult to judge ; but the point I wanted to clear up was what difficulty prevented him, when he saw an emaciated immigrant before him, from at once sending him to the hospital.

The President—I do not see that the Ordinance gives a Magistrate any power to order a man to the hospital.

Mr. Jenkins—No, but it is practically the same thing. If a man was not fit to work he would have to go to the hospital.

Sir G. Young—I think you may take it for granted that we have ascertained that pretty correctly.

Mr. Jenkins—What I wanted to ascertain was how a Magistrate could find out the physical capability of an immigrant unless he called a doctor. I want to know whether in a case of doubt the doctor was called upon to decide the question of capacity or incapacity.

G. W. Des Vœux.

Sir G. Young—That is a fair question, I think.

27th Aug. 1870.

Q. 247. The President—Did you consult a doctor in those cases?—A. If the doctor was called in such cases the doctor's whole time would be taken up with very little else than coming to Court. His opinion upon a case was taken to be the Hospital Book.

Mr. Jenkins—Then, Sir, I would request you to ask Mr. Des Vœux whether it is not practically impossible for an immigrant, supposing it is necessary for him to take the objection himself, under sec. 8 of Ord. No. 9, of 1868, to prove his incapacity,—supposing him to be out of the hospital, because he would not be there, if he was not out of hospital.

Q. 249. Sir George Young—Should you say it is practically impossible for an immigrant to prove his incapacity to work, as against the return in the Hospital Book?—A. I should think it a matter of extreme difficulty.

Mr. Jenkins—In par. 25 there is a statement that there is often great hardship in the cases of women who are *enceinte*; and there is a note with reference to a manager. I do not think the Commission had asked the manager's name. I also suggest that they should ask whether any other cases are known to the witness.

The President—We do not consider it necessary to ask the name of the manager.

Mr. Jenkins—In paragraph 26 it is stated that "it is generally believed, whether truly or not I forbear to express an opinion, that changes of districts, which have been ordered of late years, have been brought about not on account of the magistrates' familiarity with the planters, but of their being obnoxious to them." I suggest that the witness should be asked, whether anything of the kind has arisen in his experience, and also whether there are any other cases with which he is acquainted.

Mr. Cowie—Perhaps I may be allowed to draw the attention of the Court to the particular form of that paragraph: "It is generally believed, whether truly or not I forbear to express an opinion." After that what can the witness say?

Sir George Young—Let me draw your attention to the evidence, Mr. Jenkins—I asked, "Is it merely as common report

that you mention the use of the Governor's power to change districts, or can you give instances ;" and the answer was " Merely common report." *G. W. Des Vœux.*  
24th Aug. 1870.

Mr. Des Vœux—I did not quite understand the question if that is the case. I could mention an instance. I did not see the petition myself, but I believe there was a petition by a number of planters against a Magistrate and the petition was followed by his removal. But, of course, it is not for me to say whether the removal was caused by that petition.

Mr. Cowie—No ; and I don't think you should have gone as far as you have. Of course I object to that statement being taken down.

Sir George Young—I do not think it would be conducive to the usefulness of the inquiry to go further into a matter of that kind.

Mr. Jenkins—Upon paragraph 32 a question was asked as to the " other means of intimidation " there mentioned. Perhaps I may be allowed to suggest to the Commission that the subject is referred to further on, in paragraphs 50 to 55, but no question was asked in respect to it. I would suggest that the witness be asked whether the public press was used as one means of intimidating the Magistrate in the discharge of his duty.

The President—Those were the private and personal parts that Mr. Des Vœux did not care to go into ; so I passed them over.

Mr. Jenkins—Then, with reference to paragraph 37, I would suggest a question. The witness says :—I found in existence a practice, which I believe is still prevalent all over the colony, of forcing the doors of immigrants' houses, for the purpose of what is called turning them out to work, and also of doing the same, and searching their rooms without warrant for stolen goods, and even sometimes when there was only a suspicion of theft. I frequently suggested to the immigrants in their complaints respecting such acts that they should bring criminal charges against the aggressors ; but although their fears invariably prevented their adoption of this course, I believe that the mere hint had the effect of checking a practice which, I was given to understand, had never before met even with reproof from the Bench." I want to know upon what grounds the witnesses could possibly have given such advice as that to the immigrants. Upon what legal ground did he, being a Magistrate, venture to give such advice ? Perhaps, I may be allowed to explain the question I desire to have in this way. I take it that the houses being

*G. W. Des Vœux.* upon the property of owners of the estates, and these immigrants being a sort of tenants at will, it is a question whether or not the proprietor is legally entitled to go into any of these rooms at any time they like. I want to know whether the witness is able to give any reason why he suggested that course to the immigrants.

Sir George Young—You wish us to ask whether the proprietors were not entitled to break into the houses.

Mr. Jenkins—No; I wished a question to be asked whether the proprietors were not legally entitled to go into the houses; but objection was taken to it.

Sir George Young—I think it is a question which distinctly comes within the limits we have laid down.

Q. 250. Sir George Young—In your opinion, Mr. Des Vœux, were the cases which came under your notice of houses being broken into, for the most part, cases where proprietors had a right to break into such houses or where they not?

—A. I thought it was a question for the decision of the Court; it never came up; but I must say that I think it so grossly wrong on principle that I must say I think a charge of wilful trespass would be good under such circumstances, if the owner of the house had warned the aggressor. I do not think it was ever decided one way or the other.

Mr. Jenkins—There is only one other question I will suggest. The witness has given evidence as to a number of cases in which he convicted for plantain stealing. I would suggest, with permission, that he be asked whether, as plantain stealing seems to be a common practice, it has suggested to him any particular reason why it should be a common practice; whether it is owing to deficiency of food and to the necessities of the immigrants. The first question should be whether or not it is a common practice: and the second to what in the opinion of the witnesses it is owing.

Q. 251. Sir G. Young—Will you tell us in the first place, Mr. Des Vœux, were these convictions of plantain stealing convictions of immigrants or others?—A. Both Creoles and immigrants. I conceived that considering the number of deaths that had been caused by people being shot in plantain walks that the infliction of a very severe punishment was really the best way of saving many lives. I believe that strictness in the way of flogging has

done so. Numbers of immigrants, it is notorious, have been shot *G. W. Des Voeux.* under suspicion or in the act of stealing plantains. There have *27th Aug. 1870.* been a good many cases before the Supreme Court.

Q. 252. It is rather a matter of opinion than of fact, but is it your opinion that those persons were really driven by hunger, apart from wilful idleness, to steal?—A. Well I know that the Chinese up at the Settlement have told me that in the earlier days of their indentureship they were obliged to steal or they could not have lived.

Q. 253. The President—How long ago was that?—A. That was in the year 1865.

Mr. Jenkins—I do not know whether another point comes within the scope of what we have done this afternoon, but I should like if you would kindly ask the witness whether or not the amount of the fines customarily imposed in Magistrates' Courts, in some cases coming up as high as \$24, is not, in his opinion too great for the means of the laborers—whether they are not too heavy in proportion to the wages of the laborers.

Q. 254. Sir G. Young—Are the fines commonly imposed upon immigrants in the Magistrates' Courts in your opinion generally too heavy for the means of the labourers?—A. I think a great deal too heavy.—That was, I believe, one of the chief causes of my unpopularity.

Mr. Jenkins—Perhaps that might be followed up by asking in what proportion of cases the immigrants preferred going to prison to paying the fines.

Sir George Young—We are rather travelling out of our borders; but I have no objection to put the question now.

Q. 255. Sir George Young—Can you give us any estimate of the proportion of cases in which imprisonment was preferred to a fine where the option was given?—A. The fine was scarcely ever paid.

Mr. Cowie—Subject to your correction, I understand that Mr. Des Voeux's examination is not to be considered as concluded, and with a view to the inquiry beyond the subjects that have been entered upon to-day—although I do not want to introduce questions until the Commissioners have exhausted the inquiry on their part—yet with reference to the 57th paragraph



*G. W. Des Vœux*  
27th Aug. 1870 I should like him to be asked whether he can give us any instance within his personal experience in which a Magistrate has acted with dependence and partiality. I want to have something to meet; and as there is a very specific statement in that paragraph I want to have an instance within Mr. Des Vœux's personal experience, I ask that that question may be put.

Sir George Young—I have this question upon my notes: Give some instances which have fallen under your own observation of Coolies not obtaining justice in Magistrate's Courts."

Mr. Cowie—If that question has been put as closely as that I am satisfied. I only wanted it put in order that we might have something in the shape of a specific allegation to go upon.

The President—What we have done to-day, Mr. Des Vœux—the paragraphs we have gone into have been pretty nearly all upon one subject—the Magistrates. The next branch of the inquiry we intend to go into will be that of the Immigration Office; then the Medical Department, then the accommodation for immigrants; and after that we shall enter upon the further and more general subjects which are treated of in your letter. You will perhaps be better able on Monday, when we shall sit at ten o'clock, to go on with the examination, after you have refreshed your memory a little by reference to papers and records; and if you should recollect anything you may wish to correct or to add to your deposition of to-day, of course you will have an opportunity of doing so, if you will mention it then.

Sir George Young—Or at any subsequent time before your examination is closed.

The President—Of course, all times will be open to you; but it will be convenient to do it as soon as possible.

The Commission then adjourned until Monday.

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*Third day ; Monday, August 29, 1870.*

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The Commissioners took their seats at 11, a.m.

Mr. Cowie—Would you allow me, Sir, before the examination proceeds to mention one circumstance. The vessel *Ganges* is momentarily expected, in fact I am not sure she has not actually arrived this morning, and on her arrival will return immediately to Calcutta with time expired immigrants, Coolies and particularly with some Chinese immigrants. With your permission I wish to hand in a list of some of the Chinese who are going in order that if the Commissioners think it necessary they may be summoned. I have merely put down their names with the addresses at which they are to be found or heard of.

Sir G. Young—We have been in communication with Mr. Crosby on the subject of the *Ganges*. If you will hand in the list we shall be very much obliged to you.

The examination of Mr. Des Vœux was then continued.

Q. 256. Sir G. Young—Mr. Des Vœux will you oblige me if <sup>G. W. Des Vœux</sup> you please by telling me whether I am correct in the dates I <sup>29th Aug. 1870.</sup> have here, and which I have gathered from your letter, of the several magistracies you have held. You in the first place came to the colony in 1863?—A. Yes, in December, 1863.

Q. 257. And you were then appointed a Magistrate at the Upper Demerara River?—A. Yes.

Q. 258. Did you continue to hold that office until you were appointed to the East Coast and East Bank District in 1867?—A. Yes, with an interval of six months' leave.

Q. 259. And you were appointed to the latter district in Feby. 1867?—A. Yes.

Q. 260. By whom?—A. By Major Mundy.

Q. 261. You held the appointment for eleven months; that was until Jan. 1868. Did you then return to your previous

*G. W. Des Vœux.* duties or were you without employment?—A. I returned to the 29th Aug. 1870. Upper Demerara River.

Q. 262. And in Sept. 1868, you were appointed to the West Coast District?—A. Yes.

Q. 263. How long did you hold that appointment?—A. Until, I think it was, the month of March last year.

Q. 264. When you were appointed to the Administratorship of St. Lucia?—A. I actually held it longer, but I was permitted to resign the duty sometime before I actually left.

Q. 265. Then practically March, 1869, would be about the time?—A. Yes. It must have been a little longer than that; I probably left the work in the middle of April.

Q. 266. Who appointed you to the West Coast District?—A. Mr. Hincks.

Mr. Des Vœux—May I be permitted to read a short statement in explanation of my position in relation before I proceed with my evidence.

Sir George Young—I think anything with reference to the subject of the inquiry.

Mr. Des Vœux—It is with reference to the subject of the inquiry.

Sir G. Young—You understand that we wish to proceed urgently from point to point, not to listen to mere speeches.

Mr. Des Vœux—It is only with reference to my want of preparation; I have written out a short, very short, statement.

Sir George Young—I think if the point should arise again, upon any particular question with respect to which you are unprepared to answer, your explanation will be in order, but I would suggest that we should now proceed as before. Have you any special reason for making the statement at the beginning of your examination to-day?

Mr. Des Vœux—Only because it refers very particularly both to what has gone before and what is likely to take place to-day.

The President—Will it lead to any good result? Shall you

be able after reading that to give us better information, or put *G. W. Des Vœux.* us in the way of getting it? If it is to lead to some such *29th Aug. 1870.* result as that, it is important, and will save time to listen to it.

Mr. Des Vœux—I think it is due both to myself and to the people whose cause I have espoused that my position should be explained.

The President—But will it lead to any good result? Shall we get anything more from it.

Mr. Des Vœux—I cannot pledge myself to that.

Sir George Young—I think we will proceed with the examination; and if at any time, in answer to any question, your statement should seem to you to be pertinent it will be quite in order for you either to read it or to give us any information which cannot be conveniently given now.

Q. 267. Sir George Young—Was it while you were administering the Upper Demerara River District that the Chinese Settlement was founded?—A. It was.

Q. 268. Until Feb. 1867, when you were appointed to the East Coast and East Bank District you had no official experience of the Immigration system, as a magistrate?—A. I cannot say I had none. There was one sugar estate in my district from which there were occasionally cases, but very few. I also held courts occasionally for other magistrates; and I wish to add also that I had a special commission to inquire into the death of a Chinese immigrant in a lock-up on the West Coast.

Q. 269. During that inquiry did you become acquainted with any facts that you wish to lay before the Commissioners?—A. I have forgotten so many of the circumstances connected with it—I have never seen any report since, or a copy of it: and I cannot recall what I learnt on that occasion.

Q. 270. You do not recollect whether that report would be of any particular use to us?—A. I think it would be valuable.

Q. 271. While you were Magistrate of the East Coast and East Bank, Demerary, of the West Bank District, you became tolerably well acquainted with the way in which the Immigration system was carried out?—A. I did.

Q. 272. And with the performance of their duties by the

*G. W. Des Vaux.* immigration officers?—A. I cannot say I knew actually how the duties were performed, for I never saw them done ; but I became acquainted with the practice.

Q. 273. Was the constitution of the immigration office the same then as at present ? I mean, have the offices been in any way altered?—A. I do not think there are any more officers now than there were then.

Q. 274. And was the *personnel* of the office the same?—A. Except that the Immigration Agent-General is now acting as judge. But he still holds the office of Immigration Agent-General.

Q. 275. Did it ever happen before while you were in the way of knowing the constitution of the office and were brought into contact with the officers—Did it ever happen that the Immigration Agent General was acting as judge, or in any way removed from the immediate performance of his duties in your time?—A. Yes : he was acting as judge once before ; but I think that during nearly the whole of the time I was away on leave. I have forgotten exactly.

Q. 276. Do you know whether it was customary to supplement his place in the office, when he was withdrawn from his office?—A. He was before supplemented by the present Acting Immigration Agent-General.

Q. 277. But he of course would be already in the office and performing other duties. Was any addition to the office made while the Acting Immigration Agent General was withdrawn to other duties?—A. It must have been a junior clerk, because all the senior officers, as we all know, went up a step.

Q. 278. You say the Immigration Agent General is as far as possible independent. It seems that you allude to something in his circumstance which might be different from the circumstances of other officers. Had you any such meaning?—A. I do not consider that any public officer in this colony is independent, at least in position. I do not say that they do not act independently, but I consider that their position is not an independent one.

Q. 279. You say that the difficulties of his position had been very much lightened by the present Governor before you left

the colony, Were there any formal acts of the present Governor *G. W. Des Vaux.* which you allude to there? Will you refer to paragraph 76 of 29th Aug. 1870. the letter, page 24? My question is in allusion to the difficulties of his position having been very much lightened by the present Governor. Did you refer to any formal acts of the present Governor?—A. I know that chiefly from communication with Mr. Crosby himself. I was living with him just previously to my departure from the colony.

Q. 280. You did not then refer to any formal acts of the Governor? I mean in changing officers, in the construction of the office, or in the manner in which the duties were prescribed to be performed? A. I think that information will be better obtained from him though I have an idea on the subject.

Q. 281. I want to know whether you allude to anything particular, or merely to what you generally understood?—A. I allude chiefly to what I generally understood.

Q. 282. You say the subordinates of the Immigration Agent General are insufficient for the proper performance of their present duties. Have you formed any idea what number of sub-agents you would consider to be sufficient?—A. I think that for the proper overlooking of the estates at least five or six would be required.

Q. 283. At present the Sub Immigration Agents visit estates, do they not, twice a year?—A. Twice a year, I believe as a rule.

Q. 284. As a part of their peremptory duty?—A. I believe that is the rule.

Q. 285. You say they only visit them at other times for the investigation of some matter of complaint of more than ordinary gravity. Do you speak from personal observation there—in par. 78?—A. I do not know exactly how I have arrived at my knowledge. At the same time I believe it to be the case.

Q. 286. Did the Immigration Agent-General in your time, to your knowledge, ever visit estates?—I only knew of one case. I may possibly have known of more at the time; but I only remember one.

Q. 287. You believe it was rare?—A. I am nearly sure that it was very rare. He had no travelling allowance at all events for some time.

*G. W. De Young.* Q. 288. Do you mean that he had no travelling allowance at 29th Aug. 1870. that time?—A. At all events for some part of the time.

Q. 289. Had the Sub-Agents travelling allowance at the time when the Agent-General had none?—A. They had of course, I do not know, but I believe that they had.

Q. 290. In the instance you refer to when you were aware of the Immigration Agent-General visiting an estate was it to conduct a special inquiry or was it on one of those regular visits which he is bound to make?—A. It was, I believe, to conduct a special inquiry.

Q. 291. Refer to clause 90 of the Consolidated Immigration Ordinance, the proviso at the conclusion. Were you ever appointed in your capacity as a Stipendiary Magistrate, to undertake any powers or duties of the Immigration Agent-General, under that section in his place, or on his behalf?—A. Never, unless the Special Commission may be considered so. But as far as I recollect it was an ordinary special commission; it did not state that I was appointed to do the duty of the Immigration Agent-General.

Q. 292. But it was not within your district?—A. No, it was not within my district.

Q. 293. Would it have been possible for you to have undertaken any of those duties in addition to your ordinary duties as Stipendiary Magistrate?—A. Certainly not while I was on the East Coast and East Bank district; and I think not in the other district, for I frequently had not time to take Coroners' Inquests, which I think it is desirable the Stipendiary Magistrates should always do if possible.

Q. 294. The President—Then if you were unable to conduct Coroners' Inquests, who held the Inquests?—A. The ordinary Justices of the Peace.

Q. 295. Sir George Young—You say the Sub-Immigration Agents, to the best of your belief, only visit estates at stated periods. There were other visits paid to the estates for purposes connected with the Immigration Department by other officers, I believe, were they not?—A. By the Inspector of Estates' Hospitals.

Q. 296. And I believe also, under sec. 180, by Commissaries and Sub-Commissaries of Taxation?—A. Well, I believe that if

that duty is imposed upon them—I can only speak from common report—that the practice has fallen into disuse.

G.W. DesVosges

27th Apr. 1876.

Q. 297. Were informations frequently laid before you by the Agent-General or by the Sub-Immigration Agent General?—A. I never had one laid before me by either as far as I recollect.

Q. 298. Or by the Inspector-General of Hospitals? I believe he has the right to authorise the laying of informations?—A. I never had a complaint authorised by him either.

Q. 299. Or by the Commissaries or Sub-Commissaries of Taxation, were any complaints ever laid before you?—A. Not certainly with regard to estates.

Q. 300. With regard to questions under the Immigration Ordinances?—A. No.

Q. 301. Is a case ever watched by any one on behalf of the Immigration Office?—A. I never saw any one connected with the Immigration Office in one of my Courts; I do not think they were ever there.

Q. 302. To return to that clause as to Medical Inspector of Hospitals—clause 155 of the Consolidated Ordinance: "The production by a police officer of an extract certified by the Government Secretary from any official report of such Medical Inspector shall, without further proof, and on being duly sworn to as correct by the Medical Inspector before a Justice of the Peace, be admitted in all Courts in this Colony." Do you ever remember any such extract being produced?—A. I never saw one in my life.

Q. 303. Did instances come to your knowledge in which you considered that the Agents of the Immigration Office ought to have laid complaints? I refer to your official knowledge as a Magistrate?—A. I consider that there were many cases in which it would have been very desirable that the Immigration Office should have interfered, but they probably did not know of it, and I did not warn them of it, because I did not believe that there were sufficient officers to do it, if they were required to do it.

Q. 304. Sufficient officers of the Immigration Department?—A. I believed that under the present circumstances there would have been very little use in warning them. I may mention that cases happened so often—I refer to the stoppage of wages. Frequently immigrants, when they were brought up for neglect



*G. W. Des Vœux.* or refusal to work, said that their wages had been stopped, and 30th Aug. 1870. that either they were unable to get food to enable them to work, or they were disheartened from working by having had their wages stopped.

Q. 305. You consider that a more close inspection by the officers of the Immigration Department would have obviated some of those evils?—A. I think so.

Q. 306. And at the same time that the number of officers employed were overtaxed to perform their ordinary duties?—A. It all depends upon what is to be considered their ordinary duties. The office as a whole was overtaxed.

Q. 307. I understand you to include among their ordinary duties their special visits, which it was in their power to make? A. I think their time was fully taken up, as far as I had any knowledge.

Q. 308. You say they on their travels accept the hospitality of managers?—A. Allow me to state that I did not in the least intend that as a reflection upon them. It really is practically impossible in this colony—they would either have to do what you cannot expect such officers to do commonly—sleep on the tables at the Police Stations, or they would in many cases be obliged to accept the hospitality of managers.

Q. 309. And I suppose that the refusal to do so would entail a great expenditure of time; it would oblige them to travel much more?—A. Yes, in order to get to anything like decent accommodation.

Q. 310. How did the careless and improper extension of indentures come before you—officially or otherwise?—A. This is one of the points in regard to which I wish to read this paper.

Q. 311. I was going to ask you one other question which I believe will put you quite in order in reading it—whether you can give us any instances of its coming before you officially where indentures have been improperly extended? Is there any explanation of that which you wish to give?

Mr. Des Vœux then read the following statement:—

“Before proceeding any further with my evidence, I deem it to be due to myself as well as those whose cause I have espoused to ask the Commission to allow me to read a brief statement with regard to my

letter to the late Secretary of State for the Colonies, and my present examination. That letter was written in great haste, without any notes or statements to guide me, at a time when I was engaged with other public duties of an unusual and arduous kind. I believed, in common with influential persons in the colony, (as well shown by a sudden resolution with respect to an Armed Force.) that a crisis was impending, and that any action to arrest it must be immediate. G. W. De Fries.  
29th Aug. 1870.

"It will appear from the letter itself that though written with a strong conviction based upon five years' experience that its statements were true, those statements, except where otherwise expressed, were to be taken as the results of what I had seen and heard in the colony; in fact were the opinions founded by one who had his eyes and ears open to everything going on around him.

"But in many instances, though I can remember distinctly that facts occurred to warrant my belief in certain statements, I had not at hand, either in my memory or in any written memoranda, specific cases which I was prepared to verify on oath.

"In paragraph 124 I stated that if, as I feared would one day be necessary, a Commission of Inquiry should be appointed, I should be ready and willing to produce strong evidence in proof of my facts, and in support of my opinions. By that I certainly never intended to pledge myself to the immediate proof of the whole case by my own evidence. I intended to say that I could, I was sure, if called upon, and of course supposing the sources of evidence to be open to me (as they have not been hitherto), collect and adduce before the Commissioners evidence which would corroborate my statements.

"This course, however, was never offered to me. On the contrary, in the despatch which caused me to proceed to the colony, I was only notified that I should be required as a witness, an instruction which precluded me from taking the course apparently suggested by the Commissioners of collecting and offering the general evidence.

"I was therefore taken completely by surprise when on Saturday the Commissioners examined me closely on the paragraphs of my letter. I was prepared to give facts occurring within my own knowledge, and general reasons for my opinions, leaving it to the subsequent evidence, which will undoubtedly be produced, to confirm these opinions.

"Many occurrences which contributed to my belief, would obviously be of so trifling or general, or almost indescribable a character as to be inexpressible in evidence, although giving me good ground for expressing opinions.

"I would request therefore that my testimony be accepted, and my examination conducted, subject to this explanation. The Records of Courts were presumably not open to me until the constitution of the Commission put it within their power to place them at my disposal, and at a late stage I may after assisting my memory with these, be able to add further facts to what I have already stated."

Q. 812. Sir George Young—Do you wish to hand that in?

Mr. Cowie—I do not wish unnecessarily to attempt to inter-

~~Mr. Des Vœux.~~ 29th Aug. 1870. interfere with the proceedings of the commission ; but I must object to that paper going in. I think it goes beyond an explanation of an answer very considerably.

Sir George Young—I think that in obtaining the information necessary for our purpose, this comes to us as a part of that information.

Mr. Jenkins—Is that supposed to be put in on oath ?

Mr. Cowie—I quite understand that the object of the Commissioners, speaking generally, is to ascertain what the further sources are to which they can refer for specific information ; but I think this paper goes rather beyond any object necessary for that purpose.

The President—There is no doubt Mr. Des Vœux would have been justified in giving it in the form of an answer, if we could have taken down so long an answer. Therefore, I think it comes fairly in evidence.

Q. 313. Sir George Young—Will you explain, in reference to paragraph 79, in what manner the granting of allowances individually to the Sub-Agents of Immigration made them virtually independent of the head of the office and free of proper control ?

—A. I consider that when the subordinates in an office have money at their disposal,—at their entire disposal for travelling expenses, utterly without any control over it by the head of the office, that they are virtually put in a position independent of him.

Q. 314. These travelling expenses would be, I presume, given them upon certain errands or journeys taken in the exercise of the duties of their office ; but would not those journeys be taken subject to the orders and control of the Immigration Agent General ?—A. I was led to understand that they were not always so.

Q. 315. You considered when you wrote these paragraphs that they used to take journeys without his control ?—A. Yes.

Q. 316. I must ask you to give instances, if you can, of the duties of the Immigration Agents not having been partially performed ?—A. I cannot give the actual instances ; but I should like to explain what I believe to be the practice both in investigations and in extending indentures, both of which I think have

been exercised, I do not say actually to the prejudice of immigrants, but in a manner likely to be prejudicial.

G. W. Des Vœux.  
29th Aug. 1876.

Sir George Young—I must remind you that you are making accusations against persons.

Mr. Des Vœux—I do not mean to say it is done through partiality.

Sir G. Young—You say you have good reason to believe that their duties are not impartially performed. I refer to the words used at the end of par. 78 of your letter :—" It is hardly to be expected that their duties should be strictly, regularly, and impartially performed." That is a point in respect to which it is quite necessary that I should ask you to give instances.

Mr. Des Vœux—Well, then, I cannot give them. But I should like to speak as to the practice of extending indentures, which I think is a subject for inquiry.

Sir G. Young—At present I am inquiring specially as to your remarks upon the construction of the Immigration Office and the way in which the duties are performed by the Agents. An answer as to what you know to be the practice will be strictly within the limits of the question ; but I must warn you that in a matter of accusation against individuals—although I do not say we shall refuse to receive the evidence—merely to state what you believe to be the case, is a dangerous thing.

Mr. Cowie—May I request that you ask him whether he has ever been present when a Sub-Immigration Agent has been on an estate for the purpose of extending indentures, so that we may know what is within his own personal knowledge.

Mr. Des Vœux—No, I have not ; but I may say that the practice which I allude to cannot be considered in any way a charge, because it is within the strict letter of the law.

Q. 317. Sir G. Young—I will put a question : Is there any information as to the method of extending indentures, which you are able to lay before the Commission, and think it desirable to do so?—A. By section 5 of the Ordinance of 1866 it is permissible for an Immigration Agent to extend indentures on the mere declaration of a manager of estates to a person that has been absent or a deserter during a certain time, if the Agent is satisfied of the truth of the statement ; although there is a means afforded by the Consolidated Immigration Ordinance

**G. W. Del Vaux.** of attaining greater certainty as to the time when an immigrant has deserted, namely, by the notice required to be given at the Police Station within 48 hours of the desertion. In the course of my duty on several occasions it came under my observation that the notice is very irregularly, and sometimes never given; but I never heard of any prosecution being instituted in consequence. The object of that notice was evidently to fix the time, with some degree of certainty, when an immigrant had deserted. I never heard of a prosecution for its not being done; and, as far as I can learn, there never was a prosecution.

Q. 318. A prosecution under sec. 106?—A. Yes. Immigrants have frequently—when I say frequently, I mean that they have three or four times—complained to me that they were free; but on looking at their indentures I have found that they had been extended; and I was bound to take the signature of the Immigration Agent.

Q. 319. Had you any means in those particular instances of discovering that the Immigration Agent had improperly extended the indentures?—A. Oh! no. I did not mean that in any way whatever. I do not say they were not justly done in these cases, but I do not think it is a safe practice, that the liberty of one man should be entirely dependent on the mere assertion of another.

Q. 320. You do not give us these cases as instances where you know that immigrants' indentures had been carelessly and improperly extended?—A. Oh! no.

Q. 321. In fact, you cannot give us any such instances?—A. No.

Q. 322. Or of the second charge as to the cursory and far from thorough investigation?—A. No; none that ever came before me officially.

Q. 323. Can you refer us to any instances which came before you in any way in respect of either this or the preceding charge?—A. I remember one last year with respect to Pln. *Good Hope*.

Q. 324. What was the nature of that case?—A. I only remember at this time that the Immigration Agent was sent back to make a further enquiry.

Q. 325. Was sent back by the Immigration Agent General?—A. Yes, I believe so.

Q. 326. You do not know what was the result of that further investigation?—A. I do not at this moment. With regard to the practice of investigation, from the complaints of many immigrants I am led to believe that they are unable on account of the practice to put their cases properly before the Immigration Agent General. Either the manager himself, or some of those in a leading position on the estate, are commonly present, and as it is not a final investigation, I think the immigrants should have a chance of putting their complaints before the officers without being under the fear which the presence of their superiors would naturally create. Of course, if it was a final investigation it would be a different thing.

Q. 327. This is the common method pursued; you do not make it a special charge against the Immigration Agent for having done so?—A. No! I do not make any charge. I may mention that—I presume on account of the number of complaints, and there being an impossibility on account of their number of investigating them thoroughly—there is a practice of referring complaints back to the managers of estates.

Q. 328. If such a practice were found to exist, would you consider it neglect of duty on the part of the Immigration Agents?—A. I do not consider it neglect of duty, but I think, if the complaint is by any means a grave one, it would be very desirable for the officer to ascertain if there is *prima facie* any truth in it before it is referred back to the manager.

329. The President—Do you recollect any grave complaint which ever was referred back to a manager?—A. No! I do not recollect any.

Mr. Cowie—Would you mind asking here what Mr. Des Vœux means by referring complaints back to the manager? I do not know whether he means for the purpose of being decided by the manager, or reported upon by him.

Mr. Des Vœux—I mean referred back to be reported upon. Of course, that is a very fair proceeding in ordinary official life, but I do not think it is a fair one on the immigrants.

Q. 330. Sir George Young—Have you nothing more to add to, or rather to give in reply to the question I put before to you, as to the grounds of your accusation, for such I must call it, of the Immigration Agents, that their duties are not impartially performed?—A. No! I have nothing to add. I may say I

G. W. Des Voeux  
29th Aug. 1870 have heard a very large number of complaints with regard to the first Sub-Immigration Agent.

Q. 331. The President—Do you mean officially?—A. No. On the part of immigrants, I state this in justice to the officer, because I have been informed that the immigrants on *Leonora* complained to him on his visit before the riot, but they were not allowed to speak.

Q. 332. Sir George Young: Was this while you were in the colony?—A. No; this has been while I have been in the colony this time

Q. 333. Complained to him on the occasion of his visit before the riot, but were not allowed to speak?—A. Yes.

Q. 334. When was this riot?—A. I think it was about October.

Q. 335. Did I understand you to say this had occurred, or you had heard of it since you have been in the colony this time?—A. I have heard of it since I have been here.

Q. 336. Will you turn to section 17 of Act No. 9 of 1868? Under that section, were any complaint in your time as to matters which took place in your district laid out of the district to your knowledge?—A. I do not remember. There were a number of deserters tried before me, and it is highly improbable that any large number of them had been apprehended in the district.

Q. 337. That is the reverse of my question. My question was, were any complaints as to matters occurring in your district laid out of the district to your knowledge?—A. I do not know of any.

Q. 338. As to matters occurring out of your district, you have told us that there were complaints laid in your district against deserters. Is that so?—A. I cannot say so absolutely. I could tell in a moment by referring to the records, but I think it is almost a certainty that some were. I think it is highly improbable that all the deserters tried before me were arrested in the district.

Q. 339. Does that section cover all the cases, or do you remember any other cases having been laid before you that

occurred out of your district?—A. I never recollect a person being before me for anything but desertion.

*G. W. Des Foss.*  
29th Aug. 1870.

Q. 340. Under that section?—A. Under that section. But it never struck me until this moment how it was that they did not come before me; because I can only speak from common report. Immigrants are very, very often arrested without passes.

Q. 341. I do not understand what you mean by immigrants are very often arrested without passes.—A. Arrested without a pass when they have not actually been a week away from the estate.

Q. 342. How does that bear upon the question?—A. Well, I presume, they are really taken back to the plantations instead of being put in the lock-up.

Q. 343. Will you refer now, if you please, to paragraph 87 of your letter. You propose there that the Agents of the Immigration Office should make unexpected visits to estates for the purpose of personally inspecting work, and of giving evidence in wages cases, do you not?—A. I think that when a case arises, which involves wages, the magistrate of the district should have the means of setting the Immigration Department to the investigation of the case, and the prosecution of it, if necessary, in Court.

Q. 344. That the magistrate should have the means of setting the Immigration Officer in motion?—A. Exactly.

Q. 345. These questions that came before you as between employer and labourer, were very frequent I presume—disputes as to wages, I mean?—A. Yes, they were very frequent.

Q. 346. Do you consider the rule as to wages a fair one in itself?—A. I do not at all.

Q. 347. Will you refer to the section of the Act in which the rule as to wages is stated. Section 103 of the Consolidated Ordinance—that is the rule I refer to. Do you consider it in general a fair rule in itself?—A. I think it would be a fair rule, if there were any real means of testing it accurately under any circumstances.

Q. 348. Is the average rate of wages in any district easy to ascertain in your experience?—A. I think it is exceedingly difficult. I always did after I had had a little experience. It requires in the first place a considerable amount of technical knowledge of different kinds of work.



G. W. Das Fouca.

33d Aug. 1870. Q. 349. Does it vary very much from time to time within your experience?—A. I can only speak from only universal testimony both of immigrants and Creoles that it is falling almost every year, very slightly each year, but still it has fallen greatly in the last ten years.

Q. 350. Did it appear to you in investigating these disputes that at one time the rate of wages was proved to be different from what it was at another time?—A. All the work, or very nearly all, is paid for by tasks. There is hardly such a thing known as day laborers, at least, the great bulk of the laborers on plantations are employed by tasks both in the buildings and in the field, in both my districts, I believe, —certainly on the West Coast, in the buildings. I am not quite so sure whether it is so in the buildings in the East Coast and East Bank District.

Q. 351. But these tasks, are they not according to a routine?—A. A certain amount of boxes of sugar.

Q. 352. Would not the task include, as a general rule, the same amount of work?—A. The same amount of boxes of sugar would take a very different amount of time to make under different circumstances. As far as I have ascertained by the evidence of common repute, the same amount of work might take two or three times longer at one time than another.

Q. 353. Then as a matter of fact, you found the amount of payment for the same task as proved at different times varying constantly?—A. Certainly, that is the impression I have, that there was no fixed rate for anything.

Q. 354. Was the result of that to make you depend in each of those wages cases upon the evidence in that particular case?—A. I was obliged to depend upon the evidence in the particular case. But I may say that I had not a very large number of complaints on the part of immigrants. The complaints were chiefly on the part of the creole labourers.

Q. 355. I understand that the majority of the complaints under the Immigration Ordinance were on the part of managers?—A. Yes. There can be no complaint for wages brought under the Immigration Ordinance. Wages cannot be recovered under the Immigration Ordinance; only under the Petty Debt Ordinance. There is a Master and Servants' Ordinance, but suits for wages are generally brought under the Petty Debt Ordinance.

Q. 356. The President—Does the Master and Servants' Ordinance give the Magistrate power to try the suit?—A. I must say, all that have ever been tried by me have been matters of petty debt. G. W. Des Voeux  
29th Aug. 1870.

Q. 357. The Master and Servants' Ordinance is the one that gives power to the Magistrate to decide matters of petty debt?—A. Oh! no. There is a Petty Debt Ordinance. I believe there is a provision in the Employer and Servants' Ordinance, but it never was put in force in my recollection.

Q. 358. Sir G. Young—Has not the Master and Servants' Ordinance been repealed with regard to immigrants?—A. Yes. I believe it has. I was talking of course generally as to complaints by laborers.

Q. 359. The President—Claims for wages then did come before you, but under the Petty Debt Ordinance?—A. Yes.

Mr. Cowie—Perhaps I may be allowed to mention, as this is a matter of law, that according to what I am informed the Master and Servant Act never had any application to immigrants.

Mr. Des Voeux—No. I was asked generally as to complaints by employers and labourers.

Sir George Young—We have cleared the Master and Servants Act then out of our way at all events.

Mr. Cowie—I believe it never had any application to immigrants.

Sir Geo. Young—My impression is that the clause has been repealed.

Q. 360. Mr. Charles Mitchel—What do you consider is the cause of work in the boiling house taking so much longer at one time than at another?—A. It is rather a question for a planter. But at the same time I am told there are occasions upon which much less juice comes from the canes than at other times.

Q. 361. Would difference of weather produce that?—A. That is one of the causes. I have always heard that there are several.

Q. 362. Sir George Young—Is it within your experience that other laborers, unindentured laborers, are often called to prove

*G. W. Des Vaux.* the rate of wages in immigrants' cases?—A. I do not recollect 29th Aug. 1870. that it ever was done. I may say that I do not recollect a case in which the rate was in dispute.

Q. 363. What was in dispute then? Was it the manner in which the work was done, or a question whether the work was too much?—A. The manner in which the work was done was generally the cause of complaint, or there was a defence that there was something done on the part of the immigrant, which justified the non-payment as far as I recollect.

Q. 364. Was the amount of the task often a subject of dispute?—A. It is very difficult at the moment to separate what one knows from one's Court from what one has learnt outside.

Q. 365. I will put the question separately, because both are of importance. First, as to your Court,—Was the amount of the tasks frequently a subject of dispute in your Court?—A. It was frequently when people were brought up for not doing five tasks. Before I gave that decision which I have already referred to, I may mention with regard to that decision that it was caused by an expression of opinion by the Court of Review. It was the decision I have mentioned with regard to five tasks in the case of appeal.

Q. 366. Sir George Young—That was under the law now repealed?—A. Yes.

Q. 367. Turn to the act now in existence, No. 9 of 1868. Suppose a charge under section 11 by an employer against an immigrant for refusing to commence or neglecting to finish work, the defence would be of the nature of a reasonable cause. What were the reasonable causes generally alleged?—A. I do not recollect any case. Such cases were very uncommon at all events. The complaints were generally either for absence from work or for neglect or refusal to work without any qualification as to the commencement or the finishing of the work. They were merely for neglect or refusal to work absolutely, without anything else, on such and such a day. The reasonable cause alleged was generally sickness or over fatigue.

Q. 368. Now with regard to over fatigue. Would that be merely alleged in the same way as sickness; or would it be with reference to a sufficient amount of work having been already done; or would you consider over fatigue a reasonable cause apart from the amount of work which had been done,

supposing an immigrant alleged over fatigue and proved it as sickness?—A. In practice these excuses were really of no use, because *G. W. Des Vaux. 29th Aug. 1870.* I hardly remember a case in which any other immigrant was in Court to support them. Very few at all events. So that they were mere statement.

Q. 369. Will you refer to the note upon section 45 of your letter. You say that it is no uncommon practice to enforce from the immigrants (in spite of the law) from 16 to 20 hours' work in a sugar house. What law is that in spite of?—A. I was mistaken as to its being actually in spite of the law, but the task in the buildings is stated at 10 hours.

Q. 370. That I understand is the minimum task. In section 4 and 5 of the Act 9, of 1868, there appears to be a minimum. What I want to know is, What practically the rule as to the minimum is?—A. There is no minimum as far as I can understand. What I mean is, that there is no limit at all to the amount of hours that people are employed.

Q. 371. Of course a complaint against an immigrant for refusing to work could not be brought under the first section of that Act supposing he had performed five tasks or five days work in the week. But supposing a complaint were brought under section 11 for refusal to work, would reasonable cause be that he had already performed in the week five days work or five tasks according to the tenor of your decisions? A. I should have held it so, unless it was for some emergency, such as the breaking of a dam, or something that required every body to exert themselves.

Q. 372. That would in effect constitute ten hours per day, or five days' work per week, the *maximum* as well as the *minimum* which could be enforced from an immigrant, would it not, or is there any other provision that would interfere?—A. I should like to have time to answer that question; to supplement my answer at another time.

Q. 373. Did you know whether your interpretation of reasonable cause in this respect, was the same that was generally adopted by the charges in the colony? Have you any means of knowing that?—A. I should think cases would be uncommon—I have no means of knowing it at all.

Q. 374. You do not remember any case being carried to a higher Court to interpret that expression "reasonable cause"?—A. No: I do not recollect it. An immigrant has complained

*J. W. De Foss.* to me within the last week of being brought before a Magistrate when he had earned considerably more than 5s. in the week.

Q. 375. The President—Don you know his name?—A. I have got his name.

Q. 376. And the plantation upon which he is working?—A. I cannot at this moment tell the plantation but I can furnish it.

Q. 377. Who was the Magistrate before whom he was taken?—A. I do not know at this moment what the result of the case is. The summons was brought to me; that was all.

Q. 378. You do not remember any such cases having ever been brought before you?—A. I do not recollect. I may say with regard to this excuse of reasonable cause that it is almost impossible for an immigrant to prove.

Q. 379. Free laborers, as I understand, are either residents on estates, or what are called "task gangs" who go about the country and undertake task work. Is that so?—A. That is so.

Q. 380. Are the rates of wages generally paid to these two classes the same in your knowledge?—A. I cannot speak from actual knowledge.

Q. 381. Supposing a case was brought before you in which the rate of wages was in question would you have considered it your duty to inquire as to the rate of wages paid to task gang laborers as well as to those free labourers resident on estates, supposing the rates to be different?—A. I should say it would decidedly be most fair to the employer to compare the wages of immigrants with the wages of the free labourers residing on the estate. But as a matter of fact indentured immigrants are never employed in the same gang as free labourers, so far as my experience goes. So that it is very difficult to compare the work of the one with that of the other.

Q. 382. But that is the only rule you have for estimating the wages, is it not? I am anxious to ascertain how the rule is carried out in practice?—A. It all depends upon the evidence in the particular case. I think on the very sight of the thing it is easier to understand how exceedingly difficult it is to come to a proper decision in such a matter, unless a number of immigrants and free labourers were employed on the same field which I believe to be very uncommon. Of course, then it would be com-



paratively easy. On one estate on the West Coast there were no free labourers at all.

G. W. De Fong.  
29th Aug. 1872.

Q. 383. But that is provided against by the rule?—A. Oh! yes. It is provided against by taking the wages commonly paid on neighbouring estates.

Q. 384. In view of the difficulty of applying this rule, has any other rule or method of payment occurred to yourself as being better?—A. I know that in Surinam (I have had a letter on the subject since I have been here) every kind of work on sugar plantations has a separate price attached to it. I understand the rule is hard on the employer at one period, and on the immigrant at another. At the same time, as I am informed, a fixed standard prevents disputes to a great extent. I have a letter on the subject, which I will hand in if it will afford any information on the subject: It gives the price of tasks.

Q. 385. In Surinam?—A. Yes.

Q. 386. Have you the letter with you?—A. No.

The President—Then you will send it in to the Secretary, if you please.

Q. 387. Sir George Young—Do you consider it probable that supervision of the kind you propose, and by the class of Agents you have suggested, would be sufficient to remove these disputes, and this difference of feeling as to the rates of wages? A. By subsequent inquiry I must withdraw the recommendation as to the class of persons to be appointed. My chief reason for making the recommendation was that persons should be employed who understood the habits of the Indian Coolies, and could talk one or the other of the Indian languages. The interpreters who are generally employed in the country districts of the colony are not very reliable.

Q. 388. Do you conceive it possible that any system of supervision should be close enough to check such a practice as that of selecting the more distant field or ground for the indentured labourers?—A. I do not think it could check it altogether, but I think that if the Agents were in the habit of inquiring into that kind of thing, or were liable to come upon the estate at any moment and look at such a thing, the knowledge of that circumstance would check it, but I do not think it would prevent it altogether. There is something I would like to speak about with

*G. W. Des Vaux.* respect to a considerable number of immigrants—with regard to Chinese, a great number of Chinese who arrived in the colony were informed that they would be paid by the day or rather by the time. They would have their wages—whenever they had been a year or a certain time, I have forgotten which, they would have the choice of being paid by the task or by the day. A large number say they never had the chance offered to them, though they would have preferred being paid by the day.

Q. 389. Mr. C. Mitchell—Were you informed of that by any Chinese?—A. Yes. I have seen it written in their indentures; moreover they were informed that they would have \$4 a week and food which, taking the food at \$4, would be more than double the average rate of payment. Their hours of work also were to be 7½ per day, so they were told.

Q. 390. This was not stated in the indenture?—A. Yes; I have seen it printed in the indenture; I have seen it lately. In the later indenture they are informed that they can earn easily from 2s to 4s per day. That I believe to be not the fact.

Q. 391. Sir George Young—The hours of labour were stated in the indenture?—A. Yes, 7½.

Q. 392. Mr. Charles Mitchell—And they were to earn these amounts?—A. Yes. In the old indenture it was stated that from \$2 to \$4 per week besides hospital accommodation and food, and in one I saw also that they were promised garden ground.

Q. 393. Were these indentures signed by the Agent in China?—Yes, at least they purported to be signed by the Agent in China.

Mr. Jenkins—Perhaps I may be permitted to say that I have certain originals of such indentures which have come into my possession.

Q. 394. Sir G. Young—Are the Agents in India and China under the control of the Agent General of Immigrants here?—A. I do not know. I may mention also, although I have not seen the statement in their indentures, that all, or nearly all the Indian immigrants have mentioned to me similar disappointment with regard to their wages here.

Q. 395. Have you inspected any of their indentures to see whether any ground was given for such disappointment in them?

—A. I have not. I have never had an indenture produced, *G.W. De Vries*  
I have asked them for it, but as far as I am personally aware *27th Aug. 1870.*  
Indian immigrants have not one in their possession. I have  
seen the Chinese—plenty of them—as the one has been common-  
ly produced the other never has been.

Q. 396. Mr. C. Mitchell—Have you Ordinance No 4, 1864.  
section 46? It is said there, I think, that the Immigration  
General may make such alterations therein (that is in the iden-  
tures) for the benefit of the immigrants. Did you ever see any  
indentures in which these alterations have been made?—A. I may  
mention that the Chinese up the Settlement informed me, some  
of them, that the papers which had been originally given them in  
China were changed in the vessel at Hong Kong, and others said  
their papers were changed here for indentures promising them  
less than they were promised originally; and that they were  
promised originally more than they ever got.

Q. 397. Did they show you any of these indentures that had  
been altered?—A. No. I have not seen one altered.

Q. 398. You don't remember seeing any in which alterations  
had been made?—A. Yes, I saw one with "food" scratched out.

Q. 399. Was it initialed?—A. No.

Q. 400. There was no initial against the work?—A. As far  
as I recollect none. As to the actual wages, however I wish to  
explain with regard to one of my statements that I would  
refer the Commission to a statement published at the end  
of last year—I think it was laid before the Court of Policy—as  
to the actual wages earned on a very large estate in the colony.  
It amounted to about 6d per day. That is, it would provide food  
amounting in value to about 6d per day.

Q. 401. President—Do you remember the date?—A. I will  
give it.

Q. 402. Sir George Young—Was it an official report?—A. I  
think it was laid before the Court of Policy.

Q. 403. From whom did it proceed?—A. It came from Mr.  
Russell of *Leonora*.

Q. 404. Had it anything of an official character?—A. I  
was it in the paper, and my impression is that it was either



G. W. De Young. laid before or mentioned in the Court of Policy.  
20th Aug. 1870. The amount placed in the earnings of the immigrants, as far as I recollect it, was \$25 and some odd cents for seven months.

Q. 405. Mr. C. Mitchell—Did that return include free labourers as well as immigrants?—A. It mentioned 600 and odd people. I don't think it mentioned who they were. I may mention that, as far as I have heard, immigrants at *Leonora* are paid as well as on any estate in the colony, and better than on a great many.

Q. 406. President—Will you send it in to Mr. Davis if you please?—A. Yes.

Q. 407. Before we go on there is paragraph No. 88. You say you have known cases of Coolies being obliged to work for prices which free labourers have refused?—A. Well it commonly comes up in Court many times incidentally—I have forgotten how at this moment—that the free gang had turned off and refused to work and that the immigrants had then been turned on.

Q. 408. By saying it was incidentally it was not the defence of the Coolies?—A. I cannot recollect that it was.

Q. 409. Sir George Young—Of course in these cases you discovered that the price paid to the Coolies was the same as the free labourers had refused. Is that so? otherwise they would not be instances?—A. I cannot say whether I did in these cases.

Q. 410: You say immigrants have been compelled to work for a price which free labourers would have and sometimes actually have refused. You say free labourers have been turned off and the immigrants turned on. Hence you ascertained that the wages of the immigrants were the same as those which free labourers had refused.—A. Yes, certainly.

Q. 411. Did you ascertain also that the wages which the free labourers refused were not less than the average of wages in the neighbourhood? Do you remember having ascertained this?—A. As far as I can recollect it never was actually proved; because as far as I can recollect it never actually required proof in the cases, still I have not the slightest doubt that numbers of free labourers, even against their own interests, would say—indeed it is notorious that immigrants do not get the same pay or have not done so until lately. Numbers have stated so to me.

President—You mentioned early to-day that you were staying *G. W. Des Vœux.* with the Immigration Agent General before you left for St. Lucia. *29th Aug. 1870.* Did you bring all these defects and reforms to his notice?—A. I did not. I have had conversations on the subject over and over again.

President—Are there any questions you would like to suggest Mr. Cowie?

Mr. Cowie—The other day I said I would defer putting questions until the termination of Mr. Des Vœux's examination, but now as I see the Commission is going through the different subjects *seriatim*, there is just one question which, perhaps, rather has relation to what formed the subject of examination on Saturday, but which I should like Mr. Des Vœux to be asked. I refer to the 125th section. The Commissioners will remember that in that section Mr. Des Vœux stated, as I remember it, that summary jurisdiction had been taken away from ordinary Justices of the Peace. What I want to ask is, whether ordinary Justices of the Peace ever had, or at any rate ever exercised, summary jurisdiction in cases of immigrants, or only in cases arising under the Master and Servants' Act? Of course, I mean breaches of contract under the immigration laws.

Q. 412. Sir G. Young—Is it within your knowledge that Justices of the Peace have exercised any summary jurisdiction in cases of immigrants?—A. It is not within my knowledge.

Mr. Cowie—There is another question which I should like to suggest upon what has formed the subject of inquiry to-day. It is with regard to the Immigration Agent General. In fact, I believe I did put the question, and it was answered by Mr. Des Vœux, but I don't think the Commissioners heard the answer. It arises under the 78th section. I asked Mr. Des Vœux whether he on any occasion was present on an estate when a Sub-Immigration Agent visited the estate for the purpose of extending indentures?

Mr. Des Vœux—I may say that I never was.

Mr. Cowie—Then, although a great many questions have already been put on the 19th section, I should like to put one more—whether Mr. Des Vœux can mention any case within his own knowledge where any indenture has been improperly or carelessly extended?

G. W. Des Vœux.  
29th Aug. 1870.

Sir G. Young—That question I think I have put before.

Mr. Cowie—Then 'I wish to ask Mr. Des Vœux on the 82nd section whether—I take that section in connection with the note on it.—I want to know whether he means that the more distant field required more labour in getting at it or what?—A. The stop should be at "field." It means that by selecting the more distant field or ground it requires more labour.

Mr. Cowie—Perhaps I may put this further question on the same paragraph. Am I to understand Mr. Des Vœux to state as a fact within his own knowledge that a more distant field, or ground which requires more labour, is selected in some cases, or that he only put it as a thing which might probably be done.

Q. 406. Sir G. Young—Is it within your own knowledge that this practice has been pursued?—A. It has not come within my own knowledge officially. I can only say I learnt it from the general statements of both creoles and immigrants.

Mr. Cowie—Will you put this question on the 88rd clause—Whether Mr. Des Vœux remember,—he says the cases only came before him incidentally under that paragraph—He said they were not proved, because proof was not required in the particular cases in which the question arose. I want to ask him if he can remember what the ground of refusal given on the part of the free labourers was? Whether it was inadequacy of price or an insufficient amount of work which was offered to make it worth their while?—A. It was always the inadequacy of the price. It never was the insufficiency of the work.

Mr. Cowie—May I ask in what sort of cases or in what way did this fact come up incidentally? I don't quite understand how this matter could incidentally come up of the refusal of free labourers to work at the price at which immigrants were compelled to work. In what sort of cases before you did that come up?

Q. 413. Sir G. Young—What sort of complaint would it be in which the fact of free labourers having refused to work came out in evidence?—A. I cannot say at this moment, but no doubt I shall be able to answer that.

Mr. Cowie—Then, if my recollection is right, Mr. Des Vœux, at an earlier part of his evidence, said he did not recollect un-indentured labourers being ever called to prove the rate. That

is why I put the question—In what way this question of free <sup>W. W. Des Vœux.</sup> labourers having declined to work could have come before him? <sup>29th Aug. 1870.</sup>

Mr. Des Vœux—As far as I recollect aright, it has been occasionally stated to me even by managers of estates.

Mr. Cowie—Can you remember, or are you able to give us the name of any manager from whom you have received that statement?—A. I should be very sorry at this distance of time to say for certain. It was a sufficiently startling fact to impress itself upon my mind, and I have always believed it to be common.

Mr. Cowie—Do you think you would hereafter be able to tell the names of the managers from whom you have received such information?—A. I have not the slightest doubt it will be proved by hundreds of witnesses if necessary, but as far as I am concerned I do not see where I am likely to get the information. It is not likely except the fact was actually in issue that I should put it down in evidence.

Mr. Cowie—Then as I understand it from Mr. Des Vœux he does not recollect unindentured labourers being called to prove the rate, but he says that what was in dispute was the manner in which the work was done. I wish to ask on what evidence generally did he, as a Magistrate, decide disputes of that kind?

President—Disputes as to the nature of the work?

Mr. Cowie—Yes; while there was a dispute as to the nature of the work done, on what sort of evidence did you decide these cases before you judicially?

Mr. Des Vœux—Do you mean on the part of the immigrant?

Mr. Cowie—Either immigrant or employers.

414. Sir George Young—Where the dispute was as to the nature of the work which had been done, on what sort of evidence did you rely in giving your decision? In the first place what sort of evidence did the employers generally rely upon or produce?—A. I never recollect any case under the Immigration Ordinance in which any people were called except employées on the estate, though there may have been.

Q. 415. Did I understand you to say that no evidence in general could be produced? I think you told us no Coolies as a rule were called to give evidence in favour of each other?—A. Very seldom in such cases. In cases of assault or in cases against

*G. W. Des Vœux.*  
 29th Aug. 1870. one another, they were often called, but I do not remember a case in which there were coolie witnesses in questions of wages. I may on looking back to the records find such cases, but I do not recollect them now.

Mr. Cowie—May I ask whether Mr. Des Vœux in dealing with these cases himself never summoned or attempted to summon free labourers in the neighbourhood of the estate to give evidence on this question as to the nature of the work?

Q. 416. Sir George Young—Did you ever summon witnesses in order to ascertain the rate payable under sec. 103?—A. I have already said in regard to immigrants that I do not think I have ever had a case in which the rate of wages was in dispute.

Mr. Cowie—But the question was as to the nature of the work.

Q. 417. Sir G. Young—Did you ever summon witnesses to ascertain how the work had been done?—I can remember putting off cases on several occasions for the summoning of witnesses, but I do not remember whether they were with regard to creoles or immigrants. The evidence on this point was always extremely conflicting, and I imagine always would be so;

Mr. Cowie—May I put again a question which has been already put. What reason, if any, has Mr. Des Vœux for believing, as I understand him to do, that, as regards free labourers' task gangs, the rate of wages has become lower than in former years?

Sir G. Young—That is a question which has not specifically arisen, and we propose to defer it; there is a passage which will bring it up. I intend myself to put that question, and I should have put it if it should have arisen.

Mr. Cowie—I would like to ask another question. There was an answer which I did not understand at first, in which Mr. Des Vœux spoke of a practice of referring complaints back to managers. He afterwards explained that the managers had to report upon them. I should like to ask, what in practice was generally the result of managers' report, whether it terminated in further investigation of the complaint.

Sir George Young—I think this was mentioned in the most general way, he merely understood that such had been the result.

Mr. Cowie—No; I think he spoke of it as a fact coming with- *G. W. Des Vœux.*  
in his own personal knowledge. He declined to call it neglect of *29th Aug. 1870.*  
duty. I want to ask what the general result of referring cases  
back was, whether as a rule further investigation stopped.

The President—Or whether the immigrants obtained a redress.

Q. 418. Sir George Young—Do you know what the general  
result of these references back was?—A. As far as I under-  
stood it generally closed the matter in the majority of cases.

Mr. Cowie—I should like to have a question asked  
although it does bear upon the question of the rate of wages  
which I understand the Commissioners mean to investigate  
themselves. Going back to the 45th paragraph with a note on it,  
I want to ask Mr. Des Vœux in what sense he says it is no  
uncommon practice to enforce from the immigrants 16 or 20  
hours' work; whether that amount of work was enforced or  
whether the extra work was not payed for by extra wages, and  
voluntarily laid down.

Q. 419. Sir G. Young—Do you know whether extra work was  
paid for by extra wages or enforced on any other way?—A.  
My belief is that they did not get extra wages as a rule. They  
may on some estates, but in no case have I ever heard of their  
getting extra wages for that.

Mr. Cowie—I will put it whether he means that men who had  
been employed in the buildings of the estate get no more than  
ten hours pay for ten hours work?

Mr. Des Vœux—What I mean to say is this, that the stand-  
ard is put at some considerably larger amount than ordinary,  
a considerably larger amount than ten hours.

Q. 420. Sir G. Young—The standard of wages or of time?—  
A. The only way in which I have ever heard that people are  
paid more for long hours, is that if a certain task is not done  
they get smaller wages. On the West Coast I understand the  
practice to be that a certain number of boxes were put at a cer-  
tain rate, which rate was never more than a guilder, except  
with regard to boiler men, and very often less. If that task  
were not done—if there were not enough canes, or if any other  
accident happened, in some cases the amount was deducted from  
the people's pay. I know I have frequently had complainants  
who said they had far rather, even with their present small wages,  
work reasonable hours than work these long hours with extra

*G. W. Des Vœux* wages. It is generally represented that they prefer to work these long hours for greater pay. But great numbers have told me they would rather work shorter hours or have reasonable pay.

29th Aug. 1870

Q. 421. Sir G. Young—But how can this extra amount for work be enforced from the immigrants?—A. Practically anything can be enforced. That was my belief—any amount that it is possible for a man to do. I do not mean to say that it can be enforced by law, but is enforced in practice.

Q. 422. In practice do you think it possible that 16 to 20 hours, work can be enforced at the price of a day's task—one shilling?—A. I firmly believe it to be commonly done. Quite lately it has been done in almost every district in the country. I believe the ordinary practice is 16 hours' work when the buildings are at work. Within the last few weeks immigrants have declared to me that they have been obliged to work a whole week in the buildings without being allowed to leave them.

Q. 423. Mr. Mitchell—Without stopping to eat anything?—A. They were not allowed to go home to sleep; they were obliged to be at the buildings; whether they had their food brought them or not, I cannot say.

Q. 424. And they were supposed to be working the whole time?—A. They have told me they were not allowed to leave, and that they only got rest when the mill was not supplied with canes.

Q. 425. The President—I hope you have kept notes?

Mr. Des Vœux—I have. I may mention also that the gentleman referred to in my letter, Mr. Quintin Hogg, came to my place at St. Lucia and restated the matter with regard to people working twenty-two hours at a stretch.

Mr. Cowie—We must not have what Mr. Quintin Hogg stated.

The President—Unless we could get Mr. Quintin Hogg here himself.

Q. 426. Did you learn anything from Mr. Quintin Hogg with regard to these statements of yours as to the pay not being increased when such extraordinary hours of labour were exacted?—

A. He led me to suppose that the immigrants were forced to do it. But I cannot say that on that particular point he did give me any information.

Q. 427. Sir G. Young—To which estate does this note refer? *G. W. Des Vœux.*  
—A. To Pln. *Lusignan*, I believe. *20th Aug. 1870.*

Q. 428. Do you know the name of the manager?—A. The manager at that time was Mr. Ross.

Mr. Cowie—Perhaps the Commissioners will not object to my asking Mr. Des Vœux to recollect again about that. I am told that he must have made a mistake as to Mr. Ross being manager.

Mr. Des Vœux—I speak only from Mr. Hogg's statement, and he did not inform me on that point at his late visit. But I am almost sure Mr. Hogg said the manager was Mr. Ross.

Mr. Cowie—I will suggest the name. Was not Mr. Dougal the manager of *Lusignan* at that time?—A. That I cannot say, the estate was not in my district. The estate Mr. Hogg referred to possibly may not have been *Lusignan*, but that was my recollection. On thinking over it, however, I am inclined to think it was probably *Nonpareil*.

Mr. Cowie—Perhaps you will be able to give us something a little more specific than this note. Will the time when you received this information fix who was manager?

Q. 429. Sir George Young—Mr. Hogg's visit was last year, I understand.

Mr. Cowie—Yes. But I want to get at what time last year.

Mr. Des Vœux—No, it was not last year. When I say in my letter it was last year, that means the year before last.

Sir George Young—Oh! Yes. Your letter was written in December, 1869.

Mr. Cowie—Do you remember about what time in 1868 it was?—A. I rather think it was about October.

Mr. Cowie—As the question of wages is to be further gone into on a future occasion, I will not suggest any more questions at present.

Q. 430. The President—If the work was not done on account of the want of canes, and the amount was deducted from the full pay, was the want of canes the fault of the laborers?—A. It may possibly have been the fault of laborers, but not of the labourers actually at work in the buildings.



*G. W. De Young.*

Q. 431. It was not the fault of the men at work in the buildings?—A. It was not their fault.

Q. 432. Or the fault of any who had to share in the guilder?  
—A. No. As far as I have understood, that if from any accident the mill stopped, the people do not get the standard amount which is paid to such laborers.

Q. 433. You mention of an instance—the want of canes—Does the guilder which is paid for a certain number of boxes include the wages of the cane-cutters, or only the people actually at work in the buildings?—A. Generally the boilermen get the most, as far as I have understood; then there are a number of others who get different sums, from a guilder to a shilling; cane carriers get from a guilder to down as low as two bits, I believe. The people about the buildings get different sums.

Q. 434. Sir G. Young—Would that not be a natural consequence, the payment being for the task?—A. I do not think that under any circumstances a labourer should be unable to earn the full sum in the day. Supposing the buildings stop at 4 or 3 o'clock, it is not likely to go to any other work, so that if the full task given is a guilder—I believe that is greater than the average—but if the full task work be put at that, it would be wrong that they should not be able to earn up to that in any other way, and they could not earn it in any other way if the buildings stop at dark.

Q. 435. The President—In fact, in effect you mean he ought to be found in work, and if they cannot find him in work they still ought to pay him?—A. Yes

Q. 436. Sir George Young—To some extent the law does provide that there is to be work to the value of a shilling found, or a shilling is to be paid?—A. I do not see that it is actually stated so by the law. I am quite sure that the building laborers do not always get a shilling a day.

Q. 437. Or get the full task of a shilling allotted to them to do? A. As far as concurrence of general testimony goes I am sure of it, especially women.

Mr. Jenkins—I would suggest that the witness be asked a question with reference to a statement he made that Stipendiary Magistrates in consequence of pressure of work were often unable to hold Coroners' Inquests. I believe he stated that in that case Justices of the Peace would hold them, and the question I would

ask is, whether it is possible for the manager of an estate, who *G.W. Des Vaux* happened to be a Justice of the Peace, to hold a Coroner's Inquest *27th Aug. 1870.* upon an immigrant indentured upon his own estate. I request that he may be asked whether he ever knew such a case.

Q. 438. The President—Did you hear the question.—A. Yes. I believe it frequently has happened, but I cannot at this moment recall the instances. I have no doubt I can supply some.

Mr. Jenkins—I would suggest, without throwing any imputation upon these gentlemen, that the witness be asked—What, in his opinion, would be the effect of this upon the immigrants upon the estate?

Sir George Young—I do not think that is a question we can put.

Mr. Jenkins—There is another point upon which I would suggest a question. It is with reference to the officers who are appointed Sub-Immigration Agents. How large are their circuits? Or have they any districts at all?—A. They have not any districts, so far as I am aware.

Q. 439. Sir G. Young—There are two Sub-Agents I think you told us?—A. Yes.

Q. 440. Is the Colony divided between the two?—A. I think not. They have certain rounds appointed, but I believe they are accidental. I think any real supervision over such a large extent of country by only three officers is impossible.

441. Mr. Jenkins—Are there any district or local immigration officers at Essequibo or Berbice?—A. I know of none.

Sir George Young—Is it worth while to go into that any further? I have asked the *personnel* of the office.

Q. 442. It was only to lead to another question—Whether, supposing immigrants wish to make any complaints against managers or other persons on estates, any facilities are afforded them for doing so in the outlying districts?—A. I know of none, unless an agent happens to be travelling in the district, and that practically gives an advantage to labourers on estates in the neighbourhood of town.

Q. 443. Mr. Jenkins—So that taking the decision of a Magistrate recently that any immigrant who had proper ground of

*G. W. Des Vœux.* complaint and wished to lay it before the Immigration Office, 29th Aug. 1870. was entitled to leave his estate without a pass for that purpose, to be correct, is it practically possible for immigrants in the distant parts of the colony to do so?—A. I do not think it would be. I think they would probably be arrested for being away from their estate without a pass.

Q. 444. Sir George Young—Can you tell from your experience as a Magistrate whether sufficient facilities were afforded in your district?—A. I always had districts very close to Town. My districts were both in the neighbourhood of Town. I never had an out lying district at all.

Q. 445. Did you ever hear of an immigrant being arrested when on a journey such as that indicated?—A. I do not see how it is possible he would not be arrested. I believe the police officers have orders to arrest everybody without either a pass or a free ticket.

Mr. Jenkins—I do not know whether it would be proper to ask, still further whether in the opinion of the witness it would not be advisable for the employers of labour as well as the immigrants that there should be such district officers in various parts of the colony.

Sir G. Young—I do not think that is a question which is likely to give us any particular information. We have Mr. Des Vœux's recommendation before us as to the constitution of the office, and I think it will be more expedient to go into it when we have before us the officers of the Immigration Department.

Mr. Jenkins—Then might I suggest that Mr. Des Vœux be asked whether the appointment of Stipendiary Magistrates to conduct investigations, meets the difficulties which are alleged to have arisen from the very small number of Immigration Agents to act in the examination of complainants.

Sir G. Young—I think we have fully inquired into that. We have been told no instances have come within his knowledge.

Mr. Jenkins—My question is, does he think it would meet the difficulties if it were practised?

Sir George Young—He has also told us he did not consider they had time.

Mr. Des Vœux—Moreover, I do not think it all desirable they *G. W. Des Vœux.* should be inquiring into complaints which they may have to *29th Aug. 1870.* decide in Court.

Mr. Jenkins—Under section 115 of the Immigration Ordinance, there is a proviso that in case a Magistrate shall be of opinion an immigrant is able to perform a less amount of work, or a smaller number of tasks than is specified as the minimum, it shall be lawful for a Magistrate to assign the amount of work to be performed by that immigrant. I would suggest that the witness should be asked whether he ever acted upon that proviso, or even heard of any Magistrate doing so.

Sir George Young—Have you ascertained whether that proviso is renewed?

Mr. Jenkins—It is not renewed. I wish to ask a question upon that.

Q. 446. Sir George Young—When the Act was in operation, did you ever know the proviso acted upon, or did you ever act upon it yourself? A. I did so once or twice only. I did not continue the practice, for I did not think it of any practical use. And soon after my first appointment to a sugar district I gave up doing so. I do not think it is commonly acted upon, because I remember I had to draw a form for the order. There was no form in existence so far as I know.

Mr. Jenkins—With reference to the alteration which has been made in that section, I refer to section 7 of 1868, by which this question is relegated to the opinion of the employer, and I propose to ask the witness if he ever knew any case in which an employer had exercised his discretion under that section. Because cases might arise upon that section under section 8.

Q. 447. Sir George Young—Did you ever know any case in which an employer came under section 8 to enforce a reduced number of tasks?—A. I never knew of it. I have been told though in Court of immigrants being offered 4d or 6d a day for work, in some cases 4d., in some cases 6d. They were persons who were unable to do the ordinary work of the building or of the field. Breaking brick, I remember, upon one occasion, was the work offered.

Q. 448. These would be instances under the 7th section, I suppose, of an assignment of a reduced number of hours of labour, or a reduced number of tasks at a reduced rate?—A. I

~~G. E. F. Cowie~~ never supposed that it was formally done in that way, but that  
 204 Aug. 1870. the immigrant was simply told it amounts to the same thing.

Q. 449. Mr. Jenkins—Reference was made to the difficulty of recovering wages by immigrants against employers. I would suggest that the witness be asked if he happens to know what it would cost an immigrant to bring a suit against an employer for wages at the Petty Debt Court. What is the cost of the summons?—A. The cost of the summons is 48 cts and for every summons for a witness 48 cts also, I think, but I am not sure. But Magistrates have the power of granting summonses for nothing, and of course that would be done, I presume, in a case in which there was reason to believe the man had no money.

Q. 450. Mr. Jenkins—Would that be done in the case of a summons for a witness?—A. I have done it—not in a case for wages that I know of, but I have frequently granted immigrants summonses for nothing.

Q. 451. The President—These are the only costs, are they, the costs of the summons?—A. Of course, the immigrant has to pay other costs if he is condemned; he has to pay the cost of the conviction.

Q. 452. But in the Petty Debt Court?—A. Oh! those are the only costs. In case a warrant of distress was necessary he would have to pay.

Q. 453. There is no proviso for their suing in *forma pauperis*?  
 —A. Not in the Magistrates' Courts, as far as I am aware.

Mr. Cowie—If you will look at the Petty Debt Ordinance, No. 15 of 1858, you will see that the cost of the summons is 32 cents, and the police officer who serves it receives 8 cents for the service—making 40 cents altogether.

Sir G. Young—Have you the law No. 11, of 1865, which repeals that section?

Mr. Jenkins—I have, Sir. It is 48 cents.

The Commission then at  $\frac{1}{2}$  past 1 o'clock adjourned for half an hour.

At 2 o'clock the Commission resumed.

Mr. Jenkins—There is one point with respect to which no questions have been asked. It is with regard to the interpreters

employed in the Courts. It has been alluded to incidentally, but *G. W. Des Vœux*. I do not think Mr. Des Vœux was specifically asked whether he <sup>20th Aug. 1878.</sup> had any special charge to bring against the interpreters or whether he considered those ordinarily employed in the Magistrate's Courts were efficient and trustworthy.

The President—You have given a petition to Mr. Davis, Mr. Des Vœux?

Mr. Des Vœux—I only wish to know what course I ought to pursue in such cases.

The President—If there is anything in support of your case you may bring it forward and make use of it.

Mr. Des Vœux—I am to be allowed to do that?

The President—Of course; in the same way as anybody else. If you find anything that can in any way assist the Commission let us have it.

Mr. Des Vœux—This document happened to come in, and I thought it was a favourable opportunity to understand distinctly what it was my duty to do.

The President—We have sent for several of the papers you want, and several of them have come in. We will try to get the others, but they will probably all come in original.

Mr. Des Vœux—I shall be happy to have copies of any that you have for my own information.

The President—Of course you may make copies for yourself. The Secretary will make arrangements that you, or any person in your interest, may have access to them.

Mr. Mitchell—Will you turn to paragraph 7 of your letter. In the latter part of that paragraph you say you have strong reason for believing that on some estates the food, at least, usually provided in hospital, in all but the severer cases, is of a wretched description, and that this fact is well known to the medical man, who dare not make complaint. Do you allude to the time while you were a Magistrate?—A. Yes.

Q. 454. Can you mention any instances of this.—A. I could mention instances. Of course, it is a matter impossible actually to prove, but complaints were made to me twice at Plaisance by

*G. W. Des Vœux.* Chinese. On one occasion they brought some stuff which we generally call pap—which they call pap. This particular stuff was exceedingly thin gruel. Some of a better kind has been brought to me since I have been here.

Q. 455. Brought by Coolies to support their statements?—A. Yes. I may mention that I have been informed while I was in the colony, that the ordinary rice given in hospitals, with the exception of a very few estates, is what is called Coolie rice, and good enough when it is sifted and fanned, but certainly not fit for sick patients, boiled as it is.

Q. 456. Was Plaisance in your district?—A. Yes. I may mention that the Chinese at the Settlement from whom I learned a great deal. I never heard from one of them that the food they had in hospital was such, as I believe, in anybody's opinion, would keep a person in good health.

457. And you have spoken to a good many on the subject?—A. Yes. I have spoken to a good many on the subject. And I had formed a pretty accurate idea of what, until within the last 3 months, was the ordinary diet in hospitals. From the statement of very large numbers coming from different parts of the colony, I may mention that there are some estates on which, I believe, the food is everything that can be desired. But when I wrote this letter I had very little idea how few they were. There is a misprint in the copy of the letter which the Commissioners have. It reads "I fear, however, that there are not many who are sufficiently enlightened to take this view." It should be, "I fear, however, that there are many who are not sufficiently enlightened to take this view."

The President—In the manuscript copy it is the same as in the printed one.

Mr. Des Vœux—They must have copied it wrongly at the Colonial Office.

Q. 458. Mr. Mitchell—Why did you consider the medical man dare not make complaints.—A. I consider that they are absolutely under the control of proprietors, or rather of the managers of estates. When I say "under the control" I mean that they are liable to be dismissed at any moment by the proprietor or attorney, and he naturally to a great extent, is guided by his manager. I may mention on this point that I have been forwarded from Jamaica a minute of Sir John Peter Grant, which

has been printed this year on this subject, and in which very strong opinions have been expressed.

G. W. De Vries.  
20th Aug. 1870.

Mr. Cowie—I think I must object to that.

The President—Yes. I think we have nothing to do with that.

Q. 459. The President—Will you mention the names of those which you considered exemplary planters?—A. As regards food, *Anna Regina*, *Great Diamond*, and *Enmore*. Those are the ones I have particularly heard of.

Q. 460. Is that only recently?—A. No. When I wrote this letter; I believe at this moment the practice of giving insufficient and improper food in hospitals has been very much more common than I supposed when I wrote the letter.

Q. 461. Have you any reason for imagining that these three estates have recently improved, or that they were always better than others in this respect?—A. As far as the evidence I have goes, at all events for some time previously to the publication of this letter, it was so. Except on these three estates, out of a great number of people who had complained to me, no one said that they had ever got curry with their rice.

Mr. Cowie—Then are these three estates singled out as superior, I thought it was the reverse?—A. On these I have good reason to believe that the food has been good.

Q. 462. Mr. Mitchell—Are they all in one district?—A. No; in different parts of the colony.

Q. 463. In the next paragraph you say, "I am moreover confident that it is a common practice of medical men to discharge immigrants from treatment before they are completely cured, and to this may be attributed a large proportion of the cases of so-called idleness which are brought before magistrates." Can you give any instances which have come within your knowledge, in which patients were discharged before they were completely cured?—A. I can only mention the fact that I have discharged immigrants myself who have been brought before me for neglect of work, who have stated that they were not allowed to remain in hospital, but were considered well—people who by their physical condition shewed that they were unfit for work. When I first went to the East Coast and East Bank districts, I more than once sent immigrants to jail who, supposing I had been



**G. W. Des Vaux** called upon elsewhere than in a magistrate's court to decide, 20th Aug. 1870. I should have said were not in a fit state to work. They had sores upon them, some of them rather bad sores; I was informed that is was the practice to return these people to the estates' hospitals. Therefore, after a time, if a person had a sore at all I sent him back to the estate's hospital. I changed my practice upon that point.

**Q. 464.** The President—You changed your practice; what was your practice previously?—**A.** I have sent people to jail with sores upon them.

**Q. 465.** Sir George Young—Had you power as a Magistrates to send immigrants to the hospital?—**A.** Well, I do not know that I had the power, but I used to do it. Of course, I could not make an order to that effect, but I believe it is a common practice to do so.

**Q. 466.** You mean that it is a common practice of Magistrates generally to do so?—**A.** I think it is as far as I have heard.

**Q. 467.** The President—Had you reason to believe that they were received in hospital?—**A.** Well, I think, at all events, in some cases they were. I may mention that when I first came to the Colony there were numbers of the people walking about the roads with hardly any flesh upon them. They looked like walking skeletons with open sores. I have never seen people so thin and yet able to move about; which led me to believe that the treatment in hospital was not as it should be, or they would have gone there of their own accord. Moreover, it has come up incidentally in Court: a manager is able to enforce an immigrant's going to hospital; and also, if I recollect rightly, to prevent him from leaving it. There have been cases before me. I do not know whether directly, but at all events incidentally in Court of immigrants having come into personal conflict with the sick nurse for wanting to get out, stating that they wanted to get food.

**Q. 468.** Mr. Mitchell—What do you mean by the words "completely cured" there. Do you mean simply convalescent, or in a fit state for work?—**A.** I mean in a fit state for work. An immigrant is liable to be punished for neglect of work if he is not on the hospital books, and he is discharged from treatment when he is taken off the hospital books. I believe that on very few estates are there out-patients, at least in the districts I had anything to do with.

Q. 469. The President—Have you any reason for thinking that Coolies here have less objection to European hospitals than they have been in their own country?—A. No, I have none. *G. W. Des Vaux. 29th Aug. 1870.*

Q. 470. Mr. Mitchell—In the last line of that paragraph, you say, “against the expressed opinion of the Doctor.” Do you mean by that the opinion expressed in Court when the case was tried?—A. The expressed opinion is—at least the only opinion I have ever had—is the opinion shewn by the Doctor’s book. If a man has been in hospital for a considerable time, and his name is deliberately taken off the list (each day’s list is signed by the Doctor) the natural inference is that in his opinion the man is fit for work, or rather not a fit subject for treatment.

Q. 471. Then the evidence on that point was taken from the Hospital Register?—A. Exactly. Even when I had a considerable doubt about it at first; but I found that practically there was no other means of getting any evidence, for if in all the cases in which Coolies said they were sick, the Doctor was to be summoned, it would be quite endless.

Q. 472. The President—What would be endless?—A. I mean that the doctor’s whole time would be taken up, or a large portion of his time at all events. That is the common excuse alleged in all cases of absence or neglect of work.

Q. 473. Mr. Mitchell—With regard to paragraphs 12 and 13, are you prepared to bring forward evidence to prove these?—A. To prove the fact of its having been stated to me, or to prove the fact of its having occurred.

Q. 474. Of its having actually occurred?—A. I am able to prove the fact of its having actually occurred, or, I shall be able to prove the fact of doctors having been discharged on account of complaints made.

Q. 475. The President—Complaints made against the doctors or by the doctors?—A. Complaints made by the doctors, or rather not exactly complaints, but on account of their acting in favour of patients. That is the more correct way of putting it.

Q. 476. Sir Geo. Young—These complaints were not complaints, as I understand, laid before you as a Magistrate?—A. Oh! no.

Q. 477. Then made before what authority—what would be the

*G. W. Des Vaux.* regular routine in such cases?—A. I would prefer not to mention that now for several reasons.

Q. 478. What would be the regular routine that a Doctor would pursue?—A. As he is not a Government officer, I do not know really who he is to complain to.

Q. 479. He is in some respects a Government officer under section 183 of the Consolidated Ordinance, is he not? By that section it appears that the representative of the proprietor shall report to the Governor the name of the Medical Practitioner employed, and the Act directs that the Medical Practitioner shall take Medical charge of the immigrants and shall be in all respects subject to the provisions of this particular Ordinance, and then it proceeds to define certain duties of his. I need not go further then to ask you whether any Medical Practitioner ever laid any complaint before you in the discharge of his duty?—A. Never; not any formal complaints.

Q. 480. In the case of an informal complaint, or information being laid before you, would you have taken any notice of it officially?—A. I should have no possible means of applying a remedy.

Q. 481. You could not direct a prosecution?—A. Certainly not. I do not see how, under any circumstances, there is any penalty for it, unless it can be called ill usage. I have never had any practical dealing with this part of the Ordinance, and it is possible there may be, but cases are never brought before Magistrates that I am aware of.

Q. 482. If you will refer to sec. 151, you will see the penalties I allude to. You never remember a case under the section with regard to medical practitioners?—A. I never had such a case.

Q. 483. Mr. Mitchell—In regard to par. 14, can you remember any other instances at this present moment besides the two which are mentioned there?—A. These were within my own personal knowledge; none other within my own personal official experience. But if the state of things at *Pln. Wales* was anything like what I have reason to believe it was when an investigation took place in 1867 or 1868, I think it was; at all events it was during my time in the colony. The investigation I refer to was conducted by Dr. Shier and Mr. Crosby.

Q. 484. The President—What did that show?—A. It

showed that if the medical men had been thoroughly independent such a state of things could not have existed. I do not know the investigation showed what I have reason to believe was the state of the hospital, as to which there will be evidence. *G. W. Des Vaux. 29th Aug. 1870.*

Q. 485. The President—You say you can mention several startling instances from your own observation of the evils attending this dependence of medical members?—A. In the year 1868 I saw at the house of the late Chief Justice the depositions in the case of a Chinese of the name of Leon S.I. In that case although a number of witnesses were examined at the Coroner's Inquest, all of whom gave evidence with regard to the death of the man; the medical man gave evidence as to who caused the death after only one witness had been examined.

Q. 486. As to who caused the death?—A. As to who caused the death. The tendency of the rest of the evidence was that a totally different person caused the death. Nevertheless the doctor was not called again and the verdict was in accordance with the doctor's evidence.

Q. 487. In that case, as you have mentioned it, it would appear that the doctor was a witness of the death—that he had not only to speak of what caused the death, but as to who caused it?—A. I remember that it struck me very strongly at the time, but my impression is that the doctor said who had caused the death in his opinion after one witness had been examined. I would wish the Commissioners to ask for the depositions, then I should be able to refresh my memory. I know that I was very much startled.

Q. 488. We will see if we can get the depositions, but from your statement that this case was an instance in which the doctor's evidence as a layman, not as a doctor, outweighed the other evidence?—A. His evidence was given as an opinion. I am satisfied as far as my recollection goes. I am not at all sure, but if I recollect aright, he gave his opinion that such and such a person had caused the death.

Q. 489. Is there any other instance you can give?—A. Not at this moment; but I would draw your attention to a case which happened in the Island of Leguan a short time ago, in which a Doctor was fined for putting a woman in the stocks; and he justified himself on account of the common practice of so doing.

Q. 490. How long ago was that?—A. About two or three

*G. W. Des Vaux.* months. The Immigration Agent prosecuted. I may also state  
 29th Aug. 1870. my belief, that is, I am informed that the woman was in the family way and that she had a miscarriage in consequence. I may also state my opinion from what has occurred incidentally that until lately there were stocks in all the hospitals.

Q. 491. Sir G. Young—Was this woman a patient in the hospital?—A. Yes. As far as I recollect the report, it was at Pln. *Friendship* in Wakenaam. I would direct your attention to the description of the stocks. If they had been ordinary stocks there possibly might be occasions on which patients might be, with some show of propriety, put into them. But, as the immigrants described them to me, they were very cruel stocks as a rule. The feet of the people put into them were higher than their heads. They were made to sit upon the ground with their feet up above their heads.

Q. 492. Is it within your knowledge that these stocks were used in other ways besides in hospital?—A. It is not within my knowledge.

Did the fact ever come to your notice before this case?—A. I have heard of it frequently when I was in the Colony, and I believe that until lately there were hardly any hospitals in which stocks were not present. To show that it is commonly believed, I may mention that there was a joke in a newspaper only the week before last which would have had no point at all unless it was commonly believed.

Q. 493. The President—Though a Magistrate in a sugar district, you never had the curiosity to go and look at these stocks?—A. I had no right whatever.

Q. 494. I am not talking about right, but only about curiosity. You had not the curiosity to go and see these stocks?—A. The power of inspecting hospitals was taken away from the Magistrates. And, mind, I have not heard of their being cruel until lately.

Q. 495. Sir G. Young—When you say “taken away,” do I understand you to mean that it was at any time part of the Magistrate’s duty?—A. It was; before my time; almost immediately before my time, I think it was.

Q. 496. You say you never remember any case of complaint

against a medical practitioner under this particular section. *G. W. De Young.*  
 Do you remember any case in which a medical practitioner laid a complaint under section 154?—A. No; I remember a case which was very nearly being tried by me in the year 1867. There was a case of maltreatment in hospital which was very nearly coming before me at Pln. *Enterprise*—not maltreatment on the part of a doctor, but maltreatment in hospital by the giving of medicine.

Q. 497. Do you mean that it came before you magisterially?  
 —A. I was taking temporarily the work of another Magistrate as well as my own. The charge was before me, but the case was postponed; I think twice, but I am sure of once.

Q. 498. Until you had ceased to be doing the work of that district?—A. Yes. In that case I believe a number of immigrants—I heard of the case afterwards—were confined in the Water Closet of the hospital for a whole night.

Q. 499. Sir G. Young—You say the charge was laid before you, do you remember who it was laid by?—A. I was seriously thinking that if the case came before me, I should be obliged to dismiss it as it stood, because it was brought by the Inspector General of the Police, not by the person to whom that duty is entrusted by the Ordinance. Of course it could have been brought again by the proper person, but I never had to decide the point.

Q. 500. Do you know how it was decided?—A. I forgot to mention that in the morning, although they were none of the men—at least this is what one of them stated to me since—they were given a dose of salts each and still kept there. The result was that the manager was fined \$50 in each case. But the important point connected with it is that they had perviously been convicted for the very refusal to work for which they had been punished in that way. Previously to the charge being brought by the Inspector General of Police they had been convicted in the magistrate's court of refusing to work. I have had no opportunity of verifying this, but they state so.

Q. 501. Then this case is not an instance of that which I was asking for, and which I understood you to give it as but a case of generally ill usage. The cases I alluded to were cases under sec. 1, 5, 4.—A. None have come before me.

Q. 502. None have come before you under sec. 1, 5, 4?—A.

*G. W. Des Vœux—* Not that I recollect. I am pretty sure there never did. I may mention with regard to the case just alluded to that there were other things done. There are numbers of other cases of ill treatment in hospital of which a complaint has been made to me, and I have taken notes of them.

**Q. 503.** The President—And you will mention them?

*Mr. Des Vœux—*Should I mention them in my evidence?

The President—It is better to take every thing down in the shape of evidence—it is more convenient, *Mr. Des Vœux*. For some reasons I think it desirable it should not be so.

*Sir G. Young—*It is possible this may be found a convenient course, not only by yourself, but by others who will have to be examined by us. In some cases the person being examined may wish to submit the names of other persons whose evidence he believes will substantiate his own. We do not require the names of such possible witnesses to be mentioned in public, but lists may be handed to us. We shall examine the lists as we have opportunity; and if there are witnesses whom the Court think it desirable to examine, they will be summoned. You may hand the names to us, not necessarily for publication.

The President—And a statement of the points you wish them to prove.

**Q. 504.** *Mr. Mitchell—*In regard to paragraph 15, in which you mention the case of a Chinese immigrant who had been dreadfully beaten. Where did this take place, at what estate?—*A.* At Eccles House, which is now a part of *Pln. Peter's Hall*.

**Q. 505.** What is the name of the estate to which he was indentured?—*A.* *Ruimveldt*.

**Q. 506.** What was the name of the medical man who gave the order for his removal?

*Mr. Des Vœux—*Would it not be possible to discover the whole of this case by getting the evidence without giving the name?

**Q. 507.** The President—Is there any use in hesitating about it?—*A.* *Dr. Dalton*.

**Q. 508.** I believe there are two *Dr. Daltons*, an elder and a

younger, to which do you refer?—A. I only know one.

G. W. Des Vaux.

20th Aug. 1870.

Dr. H. G. Dalton—I am the Dr. Dalton alluded to in that paragraph.

Q. 509. Mr. Mitchell—In paragraph 17 you mention the case of a Coolie boy who was murdered. Before whom was the first coroner's inquest held?—A. Before Mr. Field, the manager of *Pln. Diamond*, as far as I recollect. I may mention with regard to that case, that I am informed that it was not myself who actually gave the order for the exhumation of the body. The papers were forwarded to me, I think, by the Inspector General of Police, though it is impossible for me at this period of time to recollect accurately. At all events, I instructed the police that I was about to re-investigate the case. I wish to alter that. At all events, it was known to the police that I was about to re-investigate the case. The only real point about the case is the fact that the first time a post mortem examination was made, the fact of the arm being cut off was not discovered. But it is due to the medical man to say that I have heard by reports since I came here that it was he who ordered the exhumation of the body.

Q. 510. The President—Are inquests held with a jury?—A. I have heard of a case in which there have been only two jurymen, and these belonged to the estate. I believe generally there are not more than three.

Q. 511. But there are jurymen?—A. Oh, yes, there are jurymen.

Q. 512. Do you know whether there was a jury in this case?—A. I can hardly conceive it possible that there was not.

Q. 513. It is not quite clear to me from your letter whether the medical man was examined on the first inquest or not?—A. I do know this that there was a post mortem, and as a post mortem is always ordered by the Coroner I presume, but of course I cannot recollect at this moment. I saw the proceedings before the Coroner; in fact they were before me when I re-investigated the case, and I should have noticed it. In fact I am sure the verdict was —

Q. 514. The President—Was the medical man examined at the first inquest?—A. The proceedings will show I am pretty sure of it; I cannot recollect at this moment. I know there was a post mortem, and post mortems are only made by order of the Coroner, therefore it may be taken as certain that he was.



G. W. Des Vœux  
20th Aug. 1870

Q. 515. Then as I understand the Coroner held a second inquest?—A. No; there was no second inquest at all. It was merely an investigation.

The President—You called it an inquest, and I kept to your own word.

Mr. Des Vœux—It so happened that a man had been arrested on suspicion by the time I came to Court.

The President—I am speaking of the inquest before the ordinary Justices of the Peace.

Mr. Des Vœux—That was an inquest.

The President—I asked you whether the medical man was examined at that inquest.

Mr. Des Vœux---There was a post mortem. I cannot recollect, but it may be taken as certain he was examined.

The President—At the first inquest?

Mr. Des Vœux—Yes:

Q. 516. Mr Mitchell—In paragraph 19, what do you refer to when you speak of this and similar abuses?—A. That conveys a wrong impression. All I meant to say was, that the Governor had informed me that he contemplated changing the system with regard to doctors and putting them under Government. That is all I can recollect on that point.

Q. 517. Sir G. Young—You were asked as to complaints against doctors, and complaints by doctors. Can you tell me whether you remember the cases in which doctors appeared as witnesses. I know they would appear upon inquests to conduct the post mortem, but was a doctor a frequent witness in Court?—A. As far as I recollect they only appeared on Coroners' Inquests, and in cases of cutting and wounding. I do not remember them ever appearing on any other occasion, but I shall be able possibly to supplement that answer.

Mr. Cowie—I have a few questions which I wish to put to the witness; but before I do so, perhaps I may be allowed to say that I quite concur in what fell from the chief Commissioner with regard to the necessity and propriety of names being mentioned.

The President—There is no chief Commissioner; we are all equal. *G. W. Des Vœux.*  
29th Aug. 1870.

Mr. Cowie—To go back for a moment to the 16th, 17th, and 18th paragraphs, I wish to know the name of the medical man who is referred to in the case of the Coolie boy.

Q. 518. Sir G. Young—What was the name of that doctor?  
—A. Dr. Hutson.

Mr. Cowie—I would ask also another question on that particular case—Whether Mr. Field, who has been mentioned as having held the first inquest, was the manager of the estate on which the boy was murdered?—A. No, he was not. The body was found on *Pln. Farm*; Mr. Field is the manager of *Diamond*, which is the next estate.

Q. 519—Was Dr. Hutson the medical practitioner on both estates?—A. I believe on both estates.

Q. 520—Sir George Young—At all events he was the medical practitioner of *Farm*?—A. Yes.

Mr. Cowie—Then I should like also to know who was the doctor referred to in the 15th paragraph—Oh! that was Dr. Dalton. But can Mr. Des Vœux give me the names of any other doctors, other than the two already mentioned, who have been dependent on the managers, and in consequence of whose dependence there have been evils of which he observes startling instances.

The President—Unless we have the instances we cannot ask for the names.

Mr. Cowie—Then I will not ask for the names of the doctors at present. But may I ask for the name of any estate or estates with reference to which that dependence of medical men exist in Mr. Des Vœux's judgment?

Sir George Young—I think the question is not in order before the instances are given. We have asked for the instances and have been promised them. After that I think your question will come in its proper place.

Mr. Cowie—Very well. Then what was the name of the manager of *Enterprise*. Mr. Des Vœux stated that on *Enterprise* there was a case of maltreatment in hospital.

*G. W. Des Vœux.* Mr. Des Vœux—The manager's name was Clarke.

29th Aug. 1870. Mr. Cowie—I do not think Mr. Des Vœux gave us the date of that occurrence.

Mr. Des Vœux—I am not sure. It was either at the end of 1866, or the beginning of 1867. It was while I was on the East Coast and East Bank of Demerara River District, and was for a week or so doing or attempting to do also the work of another magistrate.

Q. 521. Mr. Cowie—Do you know whether he is still in charge of that estate or of any estate?—A. He was in charge for several months afterwards.

Q. 522. Has he since then been in charge of any estate?—A. I am not aware of it. But he was not discharged in consequence of that act as far as I have been informed. I believe there are circumstances which could be discovered by reference to documents that would shew that that was not the cause of his discharge.

Q. 523. Then, may I ask upon paragraph 8, where Mr. Des Vœux speaks of the accomplished malingering propensities of the Coolies, whether he speaks from circumstances which came before him in cases which he had determined? In the first place is the fact that they are accomplished malingerers.—A. It is a matter of notoriety that they are. When I say that they are all so I mean that it is a matter of notoriety that a considerable number are, that they have the name of malingering—it is impossible for me to say that they are malingering, but I have had a suspicion of it, and I have been informed by doctors that they are accomplished malingerers.

Q. 524. Would the Commissioners let me put this question with regard to what Mr. Des Vœux said as to their having at that time been stocks in a great many hospitals—Whether they were kept there for the purpose of punishment, or in any way for treatment? Were they kept there for a breach of hospital rules, or what?—A. As far as I recollect, I do not know who I asked; I think I once asked a doctor about it, but I do not know who or at what time. I think I was told they were in the habit of using them for the sake of preventing the immigrants from scratching their sores. I believe that is the reason generally given for having stocks in the hospitals.

Q. 525. Then, may I ask, how long has the practice of keep-

ing stocks in the hospitals ceased or been prohibited, if it has *G.W.DesVœux* been prohibited?—A. I am informed that it has ceased lately on 27th Aug. 1870. some estates at all events.

Q. 526. Do you know whether it is in consequence of any order?—A. I have not heard that it is in consequence of any order, but it may have been. I have had no access to any Government Office, or any Government Records, therefore I am not aware, and I have not heard it.

Q. 527. I suppose we shall have the returns of the Coroners' Inquests in the Court here in the Registrar's office. Perhaps you will be able to tell us what is the practice. To whom are the proceedings returned?—A. As far as I recollect they are sent to the Attorney-General. If there is a verdict returned against anybody, if not to the Sheriff of the county.

Q. 528.—Do they remain with the Sheriff or are they returned to the Supreme Court.—A. I cannot tell.

Mr. Jenkins—Under the 150th section of the Consolidated Ordinance, managers are forbidden to use the hospitals or to permit them to be used for any other purpose than the treatment of immigrants. I would suggest that the witness be asked whether he knows of any case in which they have been permitted to use the hospitals for other purposes.

Q. 529. Sir G. Young—Do you remember any case being brought before you under the 150th or 151st section with regard to the use of hospitals?

Mr. Des Vœux—The 150th sec.

Sir G. Young—Yes; the 151st provides the penalty.

Mr. Des Vœux—Yes; I believe they occasionally used to be.

Sir G. Young—I mean any case brought before you as a Magistrate.

Mr. Des Vœux—No; the case was mentioned to me when I was a magistrate, of the hospital of an estate being used as a house for the new immigrants. It will not be necessary for me to mention the name of the estate, because since I have been in the colony I have observed that Dr. Shier in his last report mentions that it is sometimes done. I may say

*G. W. Des Vaux.* on that point that a number of nearly naked immigrants came to me the other day and said they had been for several months without any house at all, except such accommodation as the hospital afforded. I shall be able to name the estate.

Q. 530. Sir George Young—Did they say they had been lodged in the hospital?—A. They were told they might go into the hospital.

Q. 531. Mr. Mitchell—Turn to paragraph 68, if you please. You say there that “three, four, and even more single men are, I know, frequently crowded in the same place. But married and single alike have to use passages, sheds, euphemistically termed kitchens, and other conveniences common to many others differing in caste and sometimes in race.” Do you know this from any report or from your own observation?—A. I only know it from the statements of immigrants. I cannot recollect the immigrants’ names. It is difficult, unless you know them well, to distinguish one from another. Still I believe it to be the case.

Q. 532. At the end of that paragraph you remark—“Moreover, from the filthy and lazy habits of the people, the occupants of the upper story are a continual source of discomfort and annoyance to those on the ground floor, and hence, in a great measure, arise the endless quarrels, abusive language and assaults which occupy so large a portion of the magistrates’ time.” Have any of these cases ever come before you—cases of assault that have occurred through this?—A. I know the general fact that they have. I know also that cases of the kind occurred in connection with plantation *Met-en-Meerzorg*.

Q. 533. When was that?—A. That was when I was on the West Coast. I believe that many cases of abusive language arise from the same thing. But it may very often happen that the particular reason of the abusive language or of the assault does not come out in Court. It is not necessary that the particular cause of the thing should come up in Court. I mean to say that the assault, or the abusive language, or a quarrel, may be caused by the fact of their being one story over another, and yet the reason of the abusive language, the quarrel, or the assault, may not come out in evidence. That is what I mean. I think anyone acquainted with Coolie habits will know that it must be so.

Q. 534. Mr. Mitchell—In par. 73 you refer to the want of *G.W.Des Vœux.* water. Does that happen yearly or only occasionally?—A. As *29th Aug. 1870.* far as I have commonly heard, it happened yearly on some estates, or nearly every year, but not to the extent that it did in the particular year referred to, which was a particularly dry year, Then, as far as common report went, it was an evil on a great many estates.

Q. 535. What estate were you living on then?—A. *Nouvelle Flandres.* I may mention that a large expense was gone to in order to do their best towards remedying the evil when the drought came; but at the same time there was no proper means of keeping a supply of water.

Q. 536. That drought was quite unusual?—A. It happens once in about 6 or 7 years. At least so I am informed. Still for several months there was no proper water. I have had complaints made to me of immigrants having died of salt water since I have been here. At all events one.

Q. 537. Was that during that particular year?—A. That I cannot tell at this moment. As far as I heard the evil was far worse on the East Coast than on the West Coast. That is on some estates on the East Coast.

Q. 538. Sir George Young—Do you remember any complaint against an employer on the ground of insufficient water?—A. Never.

Q. 539. The President—In the 71st paragraph you recommend that deserving immigrant Coolies should be allowed to build cottages for themselves. Why would you limit it to the deserving Coolies, would it not be better for all?—A. Well, on many estates there would be no room to give separate cottages. It would take such a very large space. I think it only right that they should all have only one-story houses. At the same time when I mention deserving, I knew that, to have a separate house for each person, would take far more room than the space on some estates would permit.

Q. 540. Mr. Cowie—There is only one question which, with the permission of the Commissioners, I will put. In the same paragraph Mr. Des Vœux speaks of preventing new immigrant barracks being built of more than one story. I ask him whether

G. W. Des Vœux  
29th Aug. 1870.

he is not aware that, during this year, new one-story barracks have been built, or are in course of building on several estates—

A. I saw an advertisement asking for tenders for some of Dr. Shier's cottages, which on enquiry I was told were one-story ones. I have not had any communication with Dr. Shier, but I have a notion, I do not know where derived, that they are being erected. I have not seen them, for I have not been out of town. The advertisement specified Dr. Shier's name—"Dr. Shier's cottages."

The President—We shall require your attendance again to-morrow, Mr. Des Vœux, but we shall not sit before 11.

Sir G. Young--I should like to say that there are some questions which we wish to put to you, more especially in relation to the views you expressed at the conclusion of your letter with regard to the system of Immigration, with which I think your letter concludes, and with regard to the rate of wages in the colony.

The Commission then, at a quarter to 4, adjourned.

G. W. Des Vœux.  
30th Aug. 1870.

*Fourth day ; Tuesday, August 30, 1870.*

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The Commissioners took their seats at 11 o'clock.

The Attorney General—Before the Commissioners proceed with the further examination of Mr. Des Vœux, I would ask leave to offer a few remarks on a matter personal to myself in connection with a portion of Mr. Des Vœux's letter which was referred to yesterday. I mean the 15th section of his letter. It refers to a Chinese immigrant who met his death by beating.

Sir Geo. Young—Do you wish to give a statement of circumstances, or merely to put a question ?

The Attorney General—I do not wish to make any statement of the circumstances unless the Commissioners should desire it. What I was going to ask was this : I refer especially to that portion of the section in which I am referred to. "I sent the proceedings to the Attorney General ; but no notice was taken, "as far as I know, of the Doctor's conduct, who sacrificed a life "in order to save a trifling expense to his employer." I was Acting Attorney General then, and my name is mentioned in a note to the Section as being Acting Attorney General.

Sir G. Young—With regard to this letter which is now in evidence before us and the evidence which has been given hitherto, there are many cases in which names have been referred to. I think we shall consider it our duty to send to each of those persons a note of the evidence which has been taken affecting them, and of course it will be our duty to examine further into such matters.

The Attorney General—I was going to say simply this—I would ask leave to put through the Commissioners certain questions to Mr. Des Vœux. It will be for the Commissioners to say whether those questions should be put now or at some future time. I must, of course, leave that entirely to the Commissioners.

Mr. Des Vœux—I may mention that the name of Mr. Gilbert in the note was never put in by me. That note has



*G. W. Des Vœux.* been added by the printer of that particular pamphlet.  
 80th Aug. 1870.

Sir George Young—I think any question that you wish to put we should listen to at once.

The Attorney-General—I was going to observe that it makes no difference who put in the note. I was Acting Attorney-General at the time, the reference is therefore to me, and it makes no difference who put the note there as far as the main question is concerned.

The President—I see that the note is added in the manuscript of the letter furnished us by the Governor.

Mr. Des Vœux—All I can say is, that it must have been added at the Colonial Office, for when I wrote the letter I was under the impression that another gentleman was Acting Attorney General. At least I did not even call to mind who the Attorney General was. I am quite sure I never put in the name.

The Attorney-General—The first question I would ask is this—What Mr. Des Vœux means by sending the proceedings to the Attorney General. Whether he means the notes of the Inquiry, or the depositions, both of which were taken by himself.

Q. 541. The President—What do you mean by “I sent the proceedings to the Attorney General?” A. I mean the evidence which was taken before me. The man was sent on to a higher Court, if I recollect aright, for manslaughter, and it is usually in those cases to send the proceedings—the evidence taken—to the Attorney General; that is what I mean. I am not quite sure in this case whether it was an inquest, or whether it was a charge against the perpetrator of the act after the inquest. I have not seen any of the papers since.

Q. 542. The President—You are not sure whether it was?—A. I am not quite sure whether it was the evidence taken on the inquest that I sent. I did not recollect until this moment when the Attorney General mentioned it, that I held the inquest—or whether it was the evidence taken on a charge against a particular man for killing the deceased.

The Attorney General—I wish to ask if Mr. Des Vœux adheres to the statement which immediately follows, that the doctor sacrificed a life in order to save a trifling expense to his employer.

Mr. Des Vœux—I must regret having drawn that inference. *G. F. Des Vœux.*  
I must acknowledge I had not sufficient ground for saying that. 30th Aug. 1870.  
The fact remains, however.

The Attorney General—By the fact I presume Mr. Des Vœux means, the fact of the man's death.

Mr. Des Vœux—I mean the fact that the man with all these fractures of limbs was sent from one estate to another, over two miles distant on the day after, at all events I think it was the day after the limbs were broken. He was in the hospital at *Peter's Hall*, and he was sent to the hospital at *Ruimveldt*:

The Attorney General—There is another passage to which I wish to draw Mr. Des Vœux's attention. It is the preceding passage, "On the inquest held before me as magistrate of the district, the doctor (that is, Dr. Dalton, whose name has been mentioned), justified his order on the ground that the man was doing extremely well (if I recollect the words rightly), when he was removed; while another medical man who attended the patient on his own estate gave his opinion, that he would probably have lived but for his removal." I wish to ask Mr. Des Vœux if he wrote that passage merely from his recollection of the medical evidence?—A. I wrote it simply from my recollection of the medical evidence. I may say now that I had not one single note of any of these transactions. They were written entirely from memory, and the only statistics I had at my disposal —

Sir George Young—I think you had better postpone that statement; it does not appear to refer to the question.

The Attorney-General—I have no other question to put to Mr. Des Vœux. I presume I shall be at liberty to tender myself as a witness, and produce these papers to show what was done in the case.

Sir George Young—I think it will be our duty to ask you to give evidence on that point.

The Attorney General—I presume it will be more in accordance with the regulation which has been laid down by the Commissioners for the conduct of the Inquiry, that my evidence should be given at some future stage of the proceedings. But I am quite prepared to give it now, or at a moment's notice, whenever the Commissioners might require it.

The President—If there is any evidence which we do not ask

*G. W. Des Vaux.* for, but which you think would be useful, if you will tender it  
30th Aug. 1870. We will be obliged.

The Attorney General—I am prepared to lay before the Commissioners all the papers in this case and to give my own evidence upon it. That I am prepared to do at any time, except next week, when I shall be at Essequibo.

The Administrator General—Before the Commission proceeds, I regret to have to inform the Commissioners that Mr. Cowie is unable to attend to-day in consequence of being ill. I hope, however, he will be able to attend to-morrow. It is only within the last few minutes that I have heard of it. There has consequently, been no time to get any one to attend in his place. But if the Commissioners will permit me, I will be very glad to watch the case on his behalf. It will be necessary for me to state this fact, which probably is not unknown to you, that I hold the office of Administrator General of this colony, and it might surprise some persons, especially strangers to the colony, that, being a public officer, I should appear publicly to take any part in an inquiry of this kind.

The President—I do not think it is necessary for you to make any apology to us, Mr. Watson. It is to the Governor alone that you are bound to account for your conduct.

The Administrator General—With permission, however, I wish to explain that as Administrator General I have been one of the most extensive employers of immigrant labour in this colony. I have had under my care during the last 6 years no less than 8 different Plantations and I have had, I may say, thousands of immigrants in my employment.

Sir George Young—Your explanation is unnecessary, Mr. Watson. We shall always be ready to listen to suggestions either from you or from any one else. We do not make any distinction.

The Administrator General—I merely make the statement I do, in order that my appearance may not be misconstrued. I look upon it that being as Administrator General, an extensive employer of immigrant labour, I am very much interested in the inquiry, and it is upon that ground alone that I ask your permission to appear here to-day.

The Attorney General—Perhaps I ought to explain that it is in no way as a public officer that I appear here to-day. I

appear simply as an individual, because I am individually referred to.

*G. W. Des Vœux.*  
30th Aug. 1870.

The President—The Commissioners will be very much obliged to any one who will assist them by furnishing information either to support Mr. Des Vœux's charges or to refute them. All we want is information, and we are obliged to anyone who will give it to us.

Mr. Des Vœux—If the Commission will allow me, I wish to put in a printed copy of a judgment of the Supreme Civil Court last year, which has been sent to me since I gave my evidence yesterday on the subject of stocks in hospitals. The judgment states;—

The plaintiff to whom the care of the Chinese and Coolie immigrant should have been an object of especial attention and active superintendence had introduced into the hospital 2 pairs of stocks, which he alleged were intended for the necessary restraint of refractory patients. They were not used for that purpose, but were used on several occasions for the confinement, in a cruel position, of immigrants during the night, to secure their presence at work in the morning. The Court does not impute to the plaintiff concurrent knowledge of the confinement of those immigrants, but he abandoned his charge and supervision of the immigrants to the uncontrolled wrong doing of an overseer appointed by himself, and failed to report the circumstances when they came to his knowledge to his employer's attorney. Whatever instrument of restraint may be required in a hospital for such persons, ought to be approved by the medical attendant, and no such instrument should be made use of without the order of the medical attendant in writing or in some way by which the order can be shewn to originate with him. We were pained to see the stocks which were produced in Court. This trial may prove publicly beneficial in drawing attention to the appliances for personal restraint in hospitals, to which we sincerely trust the hospital in question offers the solitary exception.

Q. 543. Sir George Young—Will you give us the name of the case in which that judgment was given?—It was *Haly vs. Daniel and others*. It was delivered on Wednesday the 14th July, 1869, nearly a year before the other case that I have mentioned.

The judgment was then put in; also a copy of a Tariff of Work in Surinam.

Mr. Des Vœux's examination was then continued.

Q. 544. Sir George Young—Now, with regard to your general pinions, Mr. Des Vœux, as to an alteration of the footing on which Immigration should be allowed to continue, I do not un-

*G. W. Des Vaux.* derstand from your letter that you wish to put an end to the Immigration system—at all events you have not so expressed yourself—but merely to change the method by which it is paid for?—A. That is what I intended.

545. You say in par. 96 of your letter, "It was, no doubt, fair enough that the general revenue of the colony should at first pay a third of the cost of immigration." Do you mean that one-third of the whole cost of immigration was paid out of the general revenue of the colony?—A. I believe that it has been for a number of years. One-third of the whole cost of introducing labourers is paid by the colony, as I have always understood, and one-third of the cost of sending them away.

Q. 546. In fact, if I am not mistaken, one-third of the General Immigration Fund?—A. One third of the General Immigration Fund. It is exceedingly difficult for the public to know exactly what is paid. I cannot give satisfactory evidence on that subject, except that I believe that one-third of the cost of introducing immigrants and also of sending them away. I am not sure whether the colony does not pay one-third of the bounty too.

Q. 547: Granting the fact that one-third of the Immigration Fund is advanced out of the revenue of the colony, do you mean that you have estimated the expense of immigration generally and conclude that besides that one-third of the whole is paid by the colony, or do you merely go upon that clause in the Ordinance?—A. I do not know any public expenses connected with immigration, one-third of which are not paid by the colony.

Q. 548. As to your statement that wages have fallen in value all over the colony of late years, in paragraph 97, do you speak from any examination into the rates of wages at different times?—A. Not any examination in Court, for the question never came up; but I spoke from general testimony on the subject—the testimony of a great many people.

Q. 549. Not from documents?—A. I am under the impression that there was in the time of the "apprenticed labourers" a tariff like that now in use in Surinam. Of that I am not sure, but I am under the impression that there was.

Q. 550.—Are you acquainted with the returns of the rates of wages submitted by the Stipendiary Magistrates on the request of the Government in 1859?—A. No.

The Administrator-General—Will you allow me to hand in *G. W. Des Vœux*. the tariff? Mr. Des Vœux has just alluded to that which was *80th Aug. 1870*. in existence during the time of the “apprenticed labourers.”

The President—Certainly; we shall be very glad to have it.

A printed copy of the tariff was then put in.

Q. 551—Sir George Young—Can you refer us to any documents on these subjects, Mr. Des Vœux?—A. I cannot at this moment.

Q. 552. You say that “In the dry seasons planters have often difficulty in finding employment for their indentured immigrants and have therefore very little for free labourers, whom I saw last year in large gangs perambulating the country unable to find work at all.” You refer to what you saw in the year 1868, I presume?—A. Yes.

Q. 553. That was the year of the drought, I believe?—A. Yes.

Q. 554. Would your remark be correct, if applied to an ordinary year? I mean your remark that large gangs of labourers are in the habit of perambulating the country, unable to find work?—A. No; I do not think it would.

Q. 555. Have you gone into the figures you alluded to as to excessively high taxation (raised chiefly from articles of general consumption) which is necessitated by annual charge for the colony's share of Immigration?—A. No; I have never had my attention drawn to the matter since. I may say that I have made a mistake as regards the £65,000 mentioned in the note to the 97th paragraph. The only statistics I had at my disposal were those of the Emigration Office in London, and an old *Colonist* Almanack of the year 1864. It was that Almanack which led me into the mistake as to the £65,000.

Q. 556. Since you discovered that mistake have you taken any means to find out what the exact sum is to which you allude?—A. No; I have taken none.

Q. 557. What is this sum of £65,000? Or whatever the sum may prove to be to which you allude, is it the taxation raised from articles of general consumption—the taxation necessitated by the annual charge for the colony's share of immigration?—A. It is money taken out of the general revenue to add to the Immigration Fund.

Q. 558. Have you ever compared that sum with the amount

*G. W. DesVaux.* raised from the necessities of life by taxation in the colony?  
 30th Aug. 1870. —A. I did at the time—that is I have done in my life; but I am not prepared to speak on the subject now. I was not aware I should be examined on this point.

Q. 559. Have you ever calculated how much the planters may be supposed to pay towards the general revenue?—A. I have seen the amount raised from the taxes, and I have formed an idea; but I cannot say now.

Q. 560. I do not ask you for the amounts now; I mean, in writing this letter, did you speak from any calculations?—A. I did not speak from any calculations at the moment. I had not the means by me of doing it, if I had wished to do so.

Q. 561. Why should immigrants, far more than formerly, exclusively benefit the planters now?—A. (After a long pause,) I should like to answer that question later.

Q. 562. We must understand, I suppose, that these paragraphs 102 and 103 were written from general impressions of yourself not from calculations?—A. I think everything was done so, except such information as I could get from the two books I have mentioned. The 80,000 hogsheads perhaps was to be taken from the *Colonist* Almanack, but whether it was or not I do not know. I think it was.

Q. 563. I refer to the conclusions you seem to have arrived at, such as: "Even when the direct cost of Immigration is borne by the planters, the general revenue will still be charged for expenditure indirectly occasioned by it with an amount fully proportionate to any advantage gained from it by others than planters, these being the very small mercantile and shopkeeping community, who are not owners of or directly connected with the sugar estates," and again "The reduction of the general expenditure by the £65,000 or thereabouts devoted to immigration would permit of the admission, free of duty, of all the articles which are necessities of life to the laborers (both Creoles and immigrants) and thus would be, not only an enormous immediate boon to them, but in accordance with the ordinary operation of free trade, would eventually benefit the planter himself." These are conclusions. The first is that the general revenue would still be charged with an amount fully proportionate to any advantage gained from it by others than planters. Can you refer to any sources of information by which we may satisfy ourselves whether that would be so?—A. I think it would be advisable to compare the amount of the expenditure on

the gaol, or on the different gaols and public institutions of the Colony; also to compare the cost of the Creoles and of the Immigrants in those institutions; and to compare the total cost of those institutions since immigration with their cost before immigration.

Q. 564. You have not gone through any of these calculations, I suppose?—A. No; I have had nothing at my disposal, at least nothing that was reliable. I may mention since last year a very large addition to the police force, which is going to be partially paid by duties which the planters pay, and which up to that time had been put down to the credit of the planters' share of the Immigration Fund.

Q. 565. With regard to the re-indenturing of Immigrants, which is a subject you have alluded to in your letter, it is necessary, is it not, for immigrants to re-indenture once in order to obtain a free back passage?—A. Yes.

Q. 566. Do many of the stronger and more provident among the immigrants obtain these back passages?—A. I will refer you as to that to the Emigration Commissioner's reports; I think the whole number is under 9,000.

Q. 567. I do not refer so much to numbers; emphasis was laid upon the words "stronger and more provident." Is it the stronger and more provident who return?—A. I think so, decidedly.

Q. 568. You say that stronger and more provident amongst the Coolies can seldom be induced to re-indenture, except upon estates where the treatment is generally known to be good. Is it the practice of the immigrants in your observation to change their estates generally upon re-indenturing?—A. I know that a great many do.

Q. 569. Will you turn to the first clause of paragraph 110: "But there is another, and, perhaps, the strongest reason of all for the amount of re-indentures, vizt., that for those who have no capital freedom is really of little value as against indentures, made more attractive by the bounty and (as I have above described) privacy of living." Is there any misprint in that? Or, will you explain what you meant by the expression "as I have above described" in relation to "privacy of living"?—A. No; that is as I wrote it. I meant by that, that I had been led to understand that on, at all events, some estates immigrants were



G. W. Jones allowed to put up houses for themselves, separate one from another.  
30th Aug. 1870

Q. 570. But it is the other way, is it not? You say the indenture is made more attractive by the bounty and privacy of living?—A. I mean that when people have become free they have been induced to re-indenture by the permission to put up private houses. That is what I mean. From what I have ascertained since I came to the Colony, I do not think it is as common as I imagined it to be.

Q. 571. Pass on to par. 114. You say, "There are not now in the country 45,000 at the highest." Do you mean 45,000 Indians and Chinese, I mean at the time you wrote, of course?—A. I mean altogether.

Q. 572. Not only those working on estates, but altogether?—A. Yes.

Q. 573. Which are the twelve years of Immigration alluded to; you say "I put down births at 15,000 during the twelve years of immigration." Which years are they?—A. It should be twenty years.

Q. 574. "Twelve" is a misprint of twenty is it?—A. Yes.

Q. 575. In paragraph 118 you say you "know that a majority of those left behind possess nothing at all." We are to understand that you speak from considerable experience and extensive intercourse with them, I suppose?—A. Well, I judged that, in the first place, with regard to the Chinese, on finding that at the Chinese Settlement out of about 200 that were there within the first year, I only know of five or six—so far as my observation went—there were only five or six who had any money after their first indenture. They told me there were very few Chinese at that time who had any money in the colony, except gambling house-keepers, drivers and a few shop-keepers.

Q. 576. Is gambling a very universal habit?—A. Among the Chinese, yes. They, however, ascribed it to the fact that such a very small number of the Chinese in the colony were rarely agricultural laborers at all. This has been confirmed over and over again since. As far as I can learn some of the Amoy people and a race called the Hakas, were agricultural laborers: but a very large proportion of the Canton people were tailors,

shoemakers and artizans of different kinds. There have been *G.W. Beecham*  
some even doctors. 30th Aug. 1870.

Q. 577. These people at the Settlement had all, you told us, worked out their indentures?—A. Yes.

Q. 578. What was the latest period at which any of them could have come to the colony?—A. About 1860.

Q. 579. Then they would have had an indenture of—how many years?—A. Five years.

Q. 580. Then you speak of the year 1865?—A. Yes. I do not know any thing which proves better than that Settlement the dislike of, at all events, the Chinese to life on estates.

Q. 581. Do you know how long it is since the Chinese immigration ceased?—A. I think about four years.

Q. 582. May we look to you for any evidence from these people at the Settlement, or from others with reference to the statements you have given mostly upon information derived from them?—A. I will give you the names of some. I have not them at this moment, but I will get the names of some.

Q. 583. The President—In a note to par. 24 of your letter you say “There are a very few notable exceptions which, as will be shown below, have reaped both direct and indirect advantages from the better treatment of their laborers.” Will you mention those exceptions?—A. I especially had in my view at that moment *Vreed-en-Hoop* and *Cuming’s Lodge*.

Q. 584. In a note to par. 40, you mention a case in which you have told us you inflicted a nominal fine and you say “one of my most determined and powerful enemies, whom I had curbed in various illegalities, delayed for two months, while Major Munday was acting, and until the return of Mr. Hincks, to make a complaint against two of my decisions.” What were the names of those cases?—A. I do not recollect what they were at this moment.

Q. 585. Was it *Wm. Gray v. Sally Twin*? Was that one of the cases?—A. I have not heard the name since, but if I had the letter I wrote about it I should be able to tell.

Q. 586. I know from the papers that it was a case in which some women brought a suit against Mr. Gray for wages. You

*G. W. Des Vœux*. dismissed the suit in the first instance apparently because it 30th Aug. 1870. had been brought by the whole gang, and then when Sally Twin brought a suit separately you awarded in her favour. She then went and trespassed upon Mr. Gray's estate, and you fined her, not nominally, but substantially \$4; but you gave only five minutes' imprisonment,—a nominal imprisonment, was that the case?—A. That was the case. I may mention that \$4 was the smallest fine possible for trespass.

The President—Do you wish to put any questions to Mr. Des Vœux, Mr. Watson?

The Administrator-General—No, Sir; I think the course which Mr. Cowie wished to follow was to wait until the end of Mr. Des Vœux's examination before putting any questions.

The President—I think we have done,—as far as we at present see our way,—certainly we have done our examination of Mr. Des Vœux.

The Administrator-General—May I ask, then, if Mr. Cowie, who is unable to be present to-day, will have a future opportunity of putting questions, because so far as relates to the questions in respect of which Mr. Des Vœux was examined by the Commissioners on Saturday, he put no question at all. He did put a few with reference to the subjects upon which Mr. Des Vœux was examined yesterday. I merely wish to know if the Commissioners will allow Mr. Cowie an opportunity on a future day of putting some questions.

The President—We must of course, if he desires it.

The Administrator-General—In that case then there is only one question I would ask the Commission to put to Mr. Des Vœux to-day. It is with reference to the 118th section. Sir G. Young called attention to the latter part of the section; "Because it is to be remembered that the richer Coolies return to India when they have the opportunity, and I know that a majority of those left behind possess nothing at all." Now the answer, so far as I could make it out, which Mr. Des Vœux gave to the question put by Sir George Young had reference to Chinese only, and had no reference whatever to Indians.

Sir George Young—I think the question I put was whether he spoke from an extensive acquaintance with immigrants.

The Administrator-General—Quite so. But in his answer *G. W. Des Vœux*. Mr. Des Vœux referred entirely to Chinese, not to Indians; 30th Aug. 1870. the Chinese being comparatively few.

Sir George Young—That is so. Do you wish me to put the question whether Mr. Des Vœux had any experience as to the wealth or otherwise of Indian Coolies who did not return to India?

The Administrator-General—If you please.

Q. 587. Sir George Young—Well, Mr. Des Vœux, you have heard the question, what is your answer?—A. I believe that a very large majority of those whose first five years under indenture expires have almost nothing at the expiration of the first five years.

Q. 588. Sir G. Young—The question is, whether you spoke from personal experience in the matter?—A. I have seen a very large number. I spoke from five years' experience and a considerable amount of acquaintance with both Chinese and Coolies.

Q. 589. The President—With regard to what you say about five years' experience and intimate knowledge of and acquaintance with both Coolies and Chinese, do you understand their languages?—A. No; I do not.

Q. 590. Then how do you converse with them?—A. Each magistrate has an interpreter, both Chinese and Indian.

Q. 591. Always through an interpreter?—A. Not always. There are a considerable number, those who have been here for five years, can talk English very fairly. A good number can talk English. At least when you get accustomed to them; but it takes a considerable amount of practice to talk to them.

The Inspector-General of Police (Mr. Cox)—I wish to be allowed to put a few questions through the Commissioners to Mr. Des Vœux, relative to some questions which were put to him with respect to the Police Department, and which he said he was not able to answer for want of access to the records. I now propose to hand the records to Mr. Des Vœux and to ask him to substantiate what he has said by reference to the records.

Sir G. Young—Has Mr. Des Vœux asked for any records?

Mr. Cox—He says he has not been able to bring forward proofs because he has not had access to the records. I

*G. W. Des Vœux.* now propose to hand to him the records and ask him to substantiate what he has said with reference to the police lock-ups.

Sir G. Young—I think the better course will be for Mr. Des Vœux to apply to us if he wishes to see any records, and then we can obtain them in a regular way.

Mr. Cox—But if Mr. Des Vœux's examination ceases to-day I may not have an opportunity of putting any questions to him, unless he is recalled for the purpose.

Mr. Des Vœux—I shall be here some time,—necessarily, apparently,—and I shall have no objection.

Sir G. Young—If you wish to put any other question, Mr. Cox, you will be at liberty to do so; but with regard to the records I think it will be more formal if they come in the way I have indicated.

Mr. Cox—When I am being examined as a witness?

Sir Geo. Young—We may have to examine you; but I do not know that we shall. If there is any point upon which you wish to give evidence, will you mention it?

Mr. Cox—I wish to give evidence upon all points with reference to the police force and to contradict the statements made.

Mr. Des Vœux—As that statement has been made, perhaps I may be allowed to ask what statements Mr. Cox refers to.

Sir G. Young—Is there any statement you wish to put to Mr. Des Vœux, which will tend to produce more information?

Mr. Cox—I intend to prove the incorrectness of the 32nd paragraph of Mr. Des Vœux's letter down to the words "discharged them as being in illegal custody."—"Almost the first, if not the first week of my entry upon my new duties, I found confined in the "lock-ups" of the police stations a number of persons, and immigrants among others, who had been arrested without warrant, on the mere order of managers of estates, for neglect of duty and other simple breaches of contract. On the mere sight of the charges I, of course, discharged them, as being in illegal custody." The subsequent part of the paragraph I have nothing to do with.

Sir G. Young—Will it not be more regular for us to obtain

from you the information we require on that subject ?

*G. W. Des Vœux,  
30th August 1874.*

Mr. Cox—I produce certain records signed by Mr. Des Vœux himself, and I wish him to testify to the correctness of them. I request an opportunity of doing so.

The President—Are they official records ?

Mr. Cox—Certainly, signed by Mr. Des Vœux himself.

The President—Then we shall take them to be correct ; you need not prove them.

Mr. Cox—May I put them in.

The President—What is the question you wish to put ?

Mr. Cox—The first question I wish to put is whether he considers the prisoners' journal with entries made in it and signed by the officer of police in charge of the station, or the Feeding Returns which contain exactly the same information and are certified both by the officer in charge, the Magistrate's Clerk and the Magistrate himself, are the records which he thinks the most trustworthy to go by ?—I am prepared with both sets of records.

Sir Geo. Young—I do not think that is a question which will tend to give us more information.

Mr. Cox.—Then I wish to ask him to name a single instance of a person being found confined in a lock-up who had been arrested without warrant, on the mere order of managers of estates, for neglect of duty and other simple breaches of contract. I ask him to name one single instance, and to give the name of the prisoner and the station in which he was confined. Then, I wish to ask for an instance in which on the mere sight of the charge he discharged a prisoner as being in illegal custody. I want an instance of a single person whom he discharged as being in illegal custody.

Sir G. Young—We have already asked for such instances ; but he has not been able to give them.

Mr. Des Vœux—I can give an instance, which I think was the worst case I ever had, and it has impressed itself upon my memory. It was within the first month after my appointment to the district. Several persons were put into the lock-up at Rome Station for neglect with respect to a mule which had fallen into a trench. I discharged them, and the

*Q. W. Des Vœux.* corporal of police informed me that he had informed the manager, who had put them in the lock-up at once. On coming to the Court in the following week I found another batch of prisoners confined on the very same charge and remanded by the manager who had sent them to the lock-up as a Justice of the Peace. They were from Pln. *Houston*.

Mr. Cox—I put in this return, and ask if this is the case he refers to. There are eight prisoners against whose names "discharged" is written in Mr. Des Vœux's hand, the signature to the return being Mr. Des Vœux's and the charge "maiming a mule."

Mr. Des Vœux—I am quite certain it was not so on the charge.

Mr. Cox—That sheet is certified as correct by Mr. Des Vœux himself; certified correct signed and dated, and the alterations under the head of "ultimate destination," are in his handwriting.

Mr. Des Vœux—I may mention with regard to this that I should like to see the magistrate's records, but I am afraid they would not show it.

Q. 592. Sir G. Young—Has that sheet passed under your cognizance?—A. There is no doubt I have signed it. But I never looked at these except so far as to see that the prisoners had been in the lock-up. These are feeding returns; and the object of these returns is to show that the prisoners in the lock-up have had so much food. I never looked at these with regard to the charges mentioned, merely the names and the meals. I cannot say I went through every item even of those. I used to look at the names and see that they were the names of persons who had really been in the lock-up. Moreover in many cases I did not look over them at all; the clerk checked them first and then they were given formally to the Magistrate to sign. If you will observe here there is the clerk's signature before mine. I used to sign these in exactly the same way as the Governor signs orders for salaries and so on. I mean that others are primarily responsible for their correctness. I am quite certain I should never have discharged people if malice had been charged.

Mr. Cox—I would ask how it is if these are merely the feeding returns and Mr. Des Vœux looked only at the names and the meals, that he altered the "ultimate destination" of the prisoners and wrote in his own hand "discharged." What had

"discharged" to do with testing the quantity of food supplied? *G. W. Des Vœux.*  
Perhaps it would be more correct to ask if that is Mr. Des 30th Aug. 1870;  
Vœux's handwriting?

Mr. Des Vœux—That is my handwriting.

Mr. Cox—If so what connection had the word "discharged" with the food?

Mr. Des Vœux—What makes me more certain —

Mr. Cox—What connection has the word "discharged" with the food?

Mr. Des Vœux—These places have been left blank I imagine. Probably, the most likely thing is that the officer in charge of the station showed this to me in blank. I observe that all the rest are written up in another person's hand. Therefore, the probability is it was handed to me to fill up myself.

Mr. Cox—But what connection has "discharged" there with the feeding of the prisoners?

Q. 593. Sir G. Young—Is the entry "discharged" the correction of a previous entry or the filling up of a blank?—

A. It is the filling up of a blank. Probably it was presented to me in blank, and I filled up the blank.

Q. 594. Were there usually blanks in the returns when presented to you?—A. I never recollect any. I did not recollect having done that.

Sir George Young—Is there any further question you wish to suggest as to this point?

Mr. Cox—Yes; I wish him to be asked whether there is not all the information that can be required with regard to every prisoner included in these returns, his name, the offence, and the name of the person by whom he is charged, by what authority he is detained, by which magistrate he is tried, the date and place of the trial, the food he consumes and his ultimate destination.

Sir G. Young—We need not put that as a question.

Mr. Cox—Then is the document admitted?

Sir G. Young—Certainly.



*G. W. Des Vœux* 30th Aug. 1870. Mr. Cox—Then I should like to ask Mr. Des Vœux to examine it, and to see if there is any case of a person being discharged as being in illegal custody, who had been arrested without a warrant for neglect of duty or any other simple breach of contract, because maiming a mule is neither.

Sir G. Young—If Mr. Des Vœux wishes, he can examine these returns. We shall examine them ourselves.

Mr. Cox—Then I ask him to name the stations in the district.

Sir G. Young—We know the district, we have it in evidence.

Mr. Cox—I wish him to give the names of all the Police Stations in the district in order that I may put in the returns from all of them.

Sir G. Young—We must examine you concerning these points, Mr. Cox. We need not go into these details with Mr. Des Vœux. We shall be able to ascertain the names from yourself much better.

Sir G. Young—If your evidence affects anything Mr. Des Vœux has stated we shall of course send a copy of it to him; and any evidence which he has given which may affect you we shall send a copy of it to you. But I think we may as well get on now.

Mr. Cox—I shall like him to be asked whether he can give a single instance in which he found in the lock-ups any person who had been arrested in the district without warrant for neglect of duty or other breach of contract.

The President—I see there are two cases of trespass in which Mr. Des Vœux has written “discharged” in the same way.

Q. 595. Sir G. Young—Can you name a single instance, or refer us to any, of a prisoner being discharged from custody for being an illegal arrest for neglect of duty or other simple breach of contract?—A. I cannot at this moment. I may say that my strong impression at this moment is, as to this charge, that the charge was for ill-usage, ill-using a mule by allowing it to fall into a trench. There was no pretence of malice on the charge. It has been entered as maiming, and has escaped my attention.

Q. 596. Is there any other record of this case by which you may correct this?—A. I do not know what other clerk was in

the habit of taking down these cases, where people were discharged, but I shall be able to tell that when I have looked at the records which the Commissioners have been kind enough to say they will allow me to do. *G. W. Des Vœux.*  
30th Aug. 1870.

Q. 597. The records of your Court?—A. Yes.

Mr. Cox—Then, I would ask Mr. Des Vœux if he ever reported officially the fact of such irregularities existing in the lock-ups under my charge?

Q. 598. Sir George Young—Did you ever report to the Inspector General of Police the fact of these irregularities in the lock-ups?—A. I do not know that the Inspector General of Police had anything whatever to do with it. I do not see, although he issued an order on the subject of not taking into the lock-up persons —

Q. 599: You did not report it, I suppose?—A. No, I did not.

Q. 600. You considered it no part of your duty?—A. I considered it no part of my duty to report it to the Inspector General of Police. I did not think the police were to be blamed for taking people into the lock-ups when they were sent. Persons of the class generally employed as constables at country stations were not likely to be able to judge as to what charges should be taken.

Mr. Cox—Then I wish to ask further if a policeman gets orders not to receive these persons and still does receive them whether any one else than myself has the power to punish him for such disobedience of orders.

Q. 601. The President—Can anybody else but the Inspector-General of Police punish a policeman for disobeying your orders?—A. I may say it is not a question of disobeying Mr. Cox's orders.

The President—Your own orders.

Mr. Des Vœux—If they had not discharged them after I had ordered their discharge?

Q. 602. The President—It is a mere question who may punish. Can any body but the Inspector General?—A. Oh! no. Certainly not.

Mr. Cox—I put in this document and ask Mr. Des Vœux if

*G. W. Des Vœux.* it is an official record of his office as a magistrate.  
30th Aug. 1870.

Sir G. Young—Does this document refer to the case of which we have been speaking?

Mr. Cox—I think it refers in this way: a question was raised the other day in the examination of Mr. Des Vœux as to his discharging prisoners without their being before him. I propose to put in the document and then ask whether the prisoners named in it ever had been before him.

The document was then handed in.

Q. 603. Sir G. Young—Can you tell us what document that is, Mr. Des Vœux?—A. I cannot explain this at once. The Ordinance permits persons to be arrested as deserters who have been absent a week from work and from muster roll, but it does not give the right of arrest without warrant of such persons unless they are two miles from their estate without a pass. I presume the manager, or whoever came to prosecute, informed me of the circumstances of these people's arrest and I at once discharged them. I always explained in such cases that it was competent to bring them up again in a proper way on a warrant which they might at once get and arrest them at once before they left the court. This is what I call a simple breach of contract, it is one of the very cases in point.

Sir George Young—But before we proceed further let me remind you that the question was, what the document is. That is what you were asked to explain.

Mr. Des Vœux—The document is a charge sent to the Police Station with a Prisoner.

Q. 604. And has it come before you in your office officially?—A. It has come before me at the Police Station I presume. It all depends upon the date. If the 19th of March, 1867, was on a Tuesday it was at Court. I presume it was at Court.

Mr. Cox—I ask Mr. Des Vœux if there is any other record of his office to show whether any other evidence was taken in that case?

Mr. Des Vœux—It is impossible for me to say at this time.

Q. 605. Sir George Young—Was there any other official record which would shew that evidence was taken, and what

evidence was taken?—A. I suspect no evidence was taken at all. *G. W. Des Vœux.*  
30th Aug. 1870

Q. 606. But is there any other official record which would show the fact?—A. I presume it would be down in the Record Book. But I may mention that these books are kept invariably by the Clerks.

Mr. Cox—I would ask if the Record Book referred to contains any evidence, or is merely a formal sheet similar to the one I have put in.

Mr. Des Vœux—It does not contain any evidence. I may mention that it is totally impossible for magistrates in this Colony, especially in the large districts to take down all the evidence that is offered in the cases.

Sir George Young—Is there any further question?

Mr. Cox—I have a great number of questions if you will allow me to put them. I shall occupy considerable time in putting them, and if I am interfering with any other arrangement you have made for the day, I will postpone them to another day.

Sir George Young—Oh, no. We must go through this, certainly.

Mr. Des Vœux—Perhaps I may be permitted to say that I do not see in what particular way that record affects Mr. Cox. In the first place, I do not know how it was obtained. It seems to me to be most extraordinary that the Inspector General of Police should be allowed to take documents out of a magistrate's office.

Q. 607. The President—It all tends to clear up what was dark and hidden to me. Perhaps it will save some time if I ask whether these trials were conducted under Ordinance 19 of 1856. Would that be the Ordinance under which you were acting?—A. Yes. But this is not a trial at all.

The President—I do not call a piece of paper a trial.

Mr. Des Vœux—I meant that in that case there was no trial at all. The person is not recognised as being in custody. I should like to make a further remark about that—that is precisely the same case as the case of my discharge of the Chinese, which was the occasion of the insult to me in court which is mentioned in another paragraph of my letter,

*G. W. Des Vœux.* and I may mention that that case, although it was one of another of others happening under three different Chief Justices, was never appealed from. There never was an attempt to bring it before a higher Court to show that my course was wrong—the course which I had invariably adopted from the time I came to the colony. And to show that there was extreme bitterness —

Q. 608. The President—I think you had better confine yourself to answering questions. What was the course you adopted ever since you came to the colony?

Mr. Des Vœux—With regard to that particular way of bringing Immigrants who were arrested on estates, charged with desertion, sometimes they had been deserters — -

Q. 609. The President—What was the course you pursued with regard to Immigrants charged with desertion from the estate and arrested on the estate?—A. To discharge them at once.

Q. 610. Without requiring them to appear before you?—A. In this case, and indeed —

The President—My question is general.

Mr. Des Vœux—I discharged them as soon as the circumstance came to my knowledge that there was no warrant in the case—there was one in this case in which they had not been two miles from the estate without a pass.

Q. 611. The President—I think if you will answer my question straightforwardly you will find that I shall give you an opportunity of saying everything necessary in answer to a question without trying to explain things, perhaps without exactly knowing the purport of the question which I may put. You say that the course you adopted ever since you came to the Colony was whenever you found a Coolie in custody for desertion, having been apprehended on the estate without a warrant, you discharged him without requiring his presence?—A. It sometimes was done at the court. If it was done at court it would be when they were present. I am rather inclined to think that in that case it was done at court in the presence of the prosecutor and the accused. Of course, that is somewhat different. Of course, if desertion is put down, it is impossible without the presence of the prosecutor to know whether it is one of these cases.

Q. 612. If it was done in Court, did you keep the record

you are required to keep by Ordinance 19 of 1856? *G. W. Des Vœux.*  
 —A. I did not recognise their arrest. I considered that <sup>30th Aug. 1870.</sup> by merely taking their plea I was taking part in an illegal confinement. I may mention that there are two distinct branches of desertion which I dealt with in that way. One kind of desertion in which the people had confessedly never left the estate was called desertion because they were absent a week from work and from Muster Roll. There was another kind in which it was alleged that they had left the estate but were arrested on the estate.

The President—Perhaps if you would give us instances so that we might find the cases we should be able to understand it better. You need not trouble yourself about it now.

Mr. Cox—I think if I may be allowed I had rather postpone any further questions as I understand other witnesses have been summoned for to-day. I only want to secure to myself an opportunity of asking Mr. Des Vœux further questions.

Sir George Young—If there is any information you want to get from Mr. Des Vœux, I think you had better do it now.

Mr. Cox—Very well—Then I ask if this document also is an official record of Mr. Des Vœux Magistrate's Court.

The document was then handed to the witness.

Mr. Des Vœux—As I have said before in these cases—

Q. 618. Sir George Young—We do not want to go into the cases now. We want to know what it purports to be?—A. It is my signature, but I never recognised these cases as being in Court, therefore it is not an official record.

Mr. Cox—Then I ask Mr. Des Vœux what length of time a man had to be absent from his estate before he was guilty of desertion?

Sir George Young—We have that in the Ordinance.

Mr. Cox—I was going on to ask Mr. Des Vœux if no person appeared, and he discharged the prisoner on the mere sight of the document, what means he had of ascertaining whether the man had been arrested two miles from his estate or not. He made a statement that a man was not a deserter and ought not to be arrested unless he was two miles from his estate.

*G. W. Des Vœux*  
30th Aug. 1870.

Mr. Des Vœux—That is quite a mistake.

Sir George Young—The Ordinance permits persons to be considered as deserters who have been absent a week from work.

Mr. Cox—Then I ask whether a charge against a man of having deserted from his estate for one month, from the 19th of February to the 19th of March, is considered to be a good desertion for which he is liable to be arrested?

Mr. Des Vœux—I should not think it so. If the person had been arrested on the estate without a warrant.

Mr. Cox—Then I would ask, if a person has deserted, and has been absent from his estate for six months, and returns to the estate, and the proprietor—feeling or knowing that if the man is served with a summons he will abscond—should apply to Mr. Des Vœux for a warrant, the man's desertion having ceased, he would grant a warrant. Because, unless he would, I want to know in what way a person on the estate could arrest the man.

Sir George Young—Allow me to put it in rather a simple form. I understand you to give an instance in which there will be difficulty in getting hold of a person by means of a summons.

Mr. Cox—No. Mr. Des Vœux considers that if a man is absent 6 months, the manager has no business to bring him up unless he gets a warrant.

Sir George Young—His general position is, that a manager has no business to bring a man up upon a charge of desertion without a warrant, unless the man is arrested two miles from the estate. He was trying to explain two kinds of desertion in which we stopped him.

Mr. Cox—Then I ask Mr. Des Vœux what is the general practice when a man does desert from an estate. I ask him if a warrant is not applied for at once. When a man deserts, notice is given and a warrant applied for at once.

Q. 614. Sir George Young—Is it the usual practice to give notice of desertion and apply at once for a warrant?—A. It was not when I first went, but it became the practice. It was always competent to the owner to take a warrant the moment a man had deserted.

Mr. Cox—I would also ask if this document is a warrant for the arrest of a person signed by Mr. Des Vœux's predecessor.

Whether the writing on the back of it is the official record *G. W. Des Vœux.*  
or what has become of the man arrested under this warrant. 30th Aug. 1870.

The document was then handed in.

Mr. Cox—I wish to know if there is any other official record or minute of the sentence on that man, and if this is the official minute if it should not be signed and dated. I make the same application also with respect to four others. They all come in the same category.

The Documents were put in.

Sir George Young—You wish us to ask whether these are official records of Mr. Des Vœux's Court?

Mr. Cox—And if there are any other papers to shew the evidence and decision in these particular cases, and if the cases came before Mr. Des Vœux.

Sir George Young—Are these official records of cases in your Court, Mr. Des Vœux?—A. The only regular record is the Record Book. These papers are kept, I presume, and to that extent they are records. All that writing on the back is mine.

Q. 615. Were there any other records in these cases?—A. Not that I am aware of.

Mr. Cox—Then I ask whether Ordinance 19 of 1856 does not require that a Minute Book of the evidence shall be kept by the Magistrate?

Mr. Des Vœux—But in a subsequent paragraph it mentions the words "evidence if any," and I only succeeded to the practice of the district. There was not a minute book of evidence.

Q. 616. Sir George Young—The question is, does not the Ordinance require that a Record shall be kept of the minutes of evidence in cases tried by special justices of the peace. Are you aware there is a clause in the Ordinance requiring the record to be kept?—A. I am aware of it.

Mr. Cox—I wish to know if he kept such a Record.

Q. 617. Sir George Young—Did you keep such a Record?—  
A. There was a Record book kept.

Mr. Cox—A Record of the evidence I mean?

Mr. Des Vœux—There was not any evidence in it.



G. W. Des Vœux  
30th Aug. 1870

Q. 618. Sir George Young—We understand that no such Record of the evidence as that required by the Ordinance was kept?—A. No such Record Book of the evidence was kept. There was none in the district when I took it. There was none in either district. There was one purporting to be a minute book of evidence in the Upper Demerary River district, but not in either the West Coast or the East Coast districts.

Q. 619. What was it which purported to be a Record Book of evidence?—A. Well, it had some notes of evidence in it, some cases taken at full length. But I may mention that it is a matter of total impossibility for the Magistrate of a district to see that everything is recorded. To shew you how very little Magistrates have to do with their offices, the clerk of my district was permitted to live in town, and had been for a considerable time, before I took the West Coast district, whereas I was living at *Nouvelle Flandres*. I only on one or two occasions saw the Record Book at all, that I am aware of.

Mr. Cox—May I ask whether the Clerk kept the minutes of the evidence?

Sir George Young—We understand that no record of evidence was kept.

Mr. Cox—I wish to know whether Mr. Des Vœux or his Clerk wrote the evidence or kept the book of evidence taken in these cases.

Sir George Young—We understand there was no book of evidence.

Mr. Des Vœux—I might clear this up at once. I saw at once when I took charge of the East Coast and East Bank district that it was quite impracticable to take evidence in anything like all the cases. I took down evidence sometimes in important cases, but I looked upon the object of taking down evidence—I mean of the practice of taking down evidence with a view to review. It was quite competent for a Magistrate when a review was asked for to make up while the matter was fresh in his memory a case to be sent to the Court of Review. Review must be applied for within 8 days. I may mention that I always had a strong opinion, and acted on that opinion, that the Court of Review, as at present constituted, could not review the question on the evidence, if there was any evidence such as could be put by a Judge before a jury.

Sir George Young—I think we are distinctly wandering out of sight of the inquiry. We have no concern whether or not you performed your duty as to keeping a record of the evidence, and I do not know why it is asked for. *G.W.DesVœux* 30th Aug. 1870.

Mr. Cox—For the simple reason that instances may occur throughout the Colony, or in any of Mr. Des Vœux's districts, in which he may say parties have been arrested and kept in custody without legal warrant. I am now testing his records —

Sir George Young—We have had no instances before us as yet. Will it not be time enough when we have those instances ?

Mr. Cox—But we have it that Mr. Des Vœux says that he found people in the lock-ups without legal warrant and I am endeavouring to prove that he did not.

Sir George Young—It seems to me that the best way to prove it will be by a statement—not by a roundabout way of questioning Mr. Des Vœux.

Mr. Cox—Very well. I put in the documents, and will go to another subject, if you will allow me, which Mr. Des Vœux mentioned yesterday.

Mr. Des Vœux—I think the Inspector General of Police, and perhaps the Commissioners, may be under the impression that I intended it to be believed that these people were in the lock-ups when I took over the district.

Sir George Young—No, we have your explanation of that before.

Mr. Cox—Mr. Des Vœux stated yesterday that immigrants in outlying districts who wished to make complaints to the Immigration Agent had no opportunity of doing so, as there was no Immigration Agent residing in the neighbourhood, and that if they attempted to come to town they would be arrested by the police.

Sir George Young—No ; he said they were liable to be arrested.

Mr. Cox—Then I ask, is he not aware of instances in which immigrants from Essequibo have been sent up through the Police to the Immigration Agent to make their complaints. He having

*G. W. Des Vœux.* resided with the Immigration Agent, is it within his personal knowledge that such cases have happened?

Mr. Des Vœux—I have no knowledge of such cases having occurred. But I do not doubt that if a grave complaint came to the knowledge of the Police Department —

Sir George Young—We need not go into that, I think.

Mr. Des Vœux—But it is left to the judgment of private policemen in ordinary cases whether to arrest or not.

Mr. Cox—I would also ask if they have not opportunities of complaining to the magistrate of the district, and if he has not power to give them a pass under which they can come to town without being interfered with by the police or any one else.

Mr. Des Vœux—I do not know that there is any power given to a Magistrate by Ordinance to do so, or by any instruction.

Mr. Cox—I would ask if Mr. Des Vœux has ever done so himself, or has known of any Magistrate doing so.

Q. 620. Sir George Young—Did you ever give such a pass, or know any other Magistrate to do so?—A. I think it highly possible I may have done so. I may have taken the responsibility of doing it, not because it really gave the immigrant any more right than he had already, but because it would probably enable him to pass the police. I do not remember having done so, but I think it is possible.

Mr. Cox—I wish to ask what right he had to do so under the Ordinance of 1864?

Sir George Young—He has stated that he considered he had no right to do so.

Mr. Cox—I did not ask what right he had, but what right they had to do so.

Mr. Des Vœux—I did not say they had a right. I said I did not consider they had any more right than they had already.

Sir G. Young—You say, Mr. Cox, that you think Mr. Des Vœux considered that the immigrants had a right to come to town, and therefore it was necessary to get a pass.

Mr. Des Vœux—I said that if I ever gave such a pass it would give a man no other legal right than he had before; because

he is permitted to go to the Immigration Office to complain *G. W. Des Vœux.*  
when he has reasonable cause. 30th Aug. 1870.

Mr. Cox—Then if he has permission to go to complain, where is the grievance of which Mr. Des Vœux spoke?

Sir George Young—I think we need not return upon that point; we have pretty well got the information necessary.

Mr. Cox—I wish to refer to paragraph 17 with reference to the boy who was barbarously murdered. I wish to know from Mr. Des Vœux whether any depositions in connection with a party charged with this murder were misplaced by him, and were not forthcoming when called for at the trial; and if they were, whether he has since discovered them.

Mr. Des Vœux—There was a deposition taken with regard to other prisoners, not the prisoner who was sent on for trial, but prisoners charged distinctly from the man sent on for trial.

Q. 621. Sir George Young—There was a deposition mislaid? —A. Yes. It was the deposition of a man who was evidently speaking falsely, giving a totally different account of the man's death from the one which was to a considerable extent proved. There was only one witness and he was evidently speaking falsely. He said he had seen some Coolies through a hole in the wall from under a tree. I went to the place and found it to be impossible that he could have seen them. And there were other circumstances which rendered his story grossly improbable.

Q. 622. The President—Has the deposition since been discovered?—A. Not that I am aware of.

Mr. Cox—I wish to follow that up by the question whether the fact of that deposition not being forthcoming when asked for by the counsel for the prisoner at the trial for the murder, did not cause a failure of justice?

Mr. Des Vœux—I am quite willing to answer the question, but I do not see how it affects the Inspector General of Police.

Q. 623. The President—Was the deposition called for on the trial?—A. Yes; it was asked for.

Q. 642. And as it was not forthcoming do you know whether that had any effect upon the decision of the case?—A. That it would be impossible for me to say. The evidence I may say was entirely circumstantial.

*G. W. Des Vœux.* Mr. Cox—That is all I wish to ask Mr. Des Vœux.  
 30th Aug. 1870. Having put in one of these returns I was going to put in the whole of them for that district, but I can produce them when I am called upon to give evidence.

The President—Well, Mr. Des Vœux, that is all we have to ask you at present. As soon as we can get a fair copy of your deposition made out we will send it to you. If there is any part you wish to supplement, or any remark you wish to make upon it, you can communicate with the Secretary. Of course, if you wish, you will attend the court and suggest questions to be put to witnesses, just as you please.

Mr. Des Vœux—Perhaps I may be allowed to say something with reference to a paragraph upon which I was not examined.

The President—Which paragraph is it?

Mr. Des Vœux—The 117th. I wish to direct the attention of the Commissioners to the fact that I have left altogether out of the calculation there the large amount of money paid for bounty. I believe that as far as I can learn there have been between 30,000 and 40,000 reindentures, to each of whom \$50 has been paid. So that that has to be added to any computation that may be made of the wages and savings of the Coolies.

Sir George Young—Is there any other point you wish to say anything upon?

Mr. Des Vœux—As a reflection has been made upon me by the Inspector General of Police, with what object I do not exactly understand, I shall request the Commissioners to ask for the Evidence Books of the other Magistrates of the colony.

Sir George Young—We will inquire into the matter, certainly, both as regards the existence of such Evidence Books and the rule as to taking or not taking the evidence.

Mr. Cox—I beg to say that I have not put forward what I have in order to cast any reflection upon Mr. Des Vœux. I want to shew what sort of documents the records of his Court are, which he proposes to produce in support of the statements he has made.

Sir George Young—These statements are irregular, and we cannot receive them.

The Commission then, at a quarter past one, adjourned for half an hour.

At two o'clock the Commission resumed.

Dr. Shier, Medical Inspector of Estates' Hospitals, sworn and examined. *Dr. D. Shier.*  
30th Aug. 1870.

Q. 625. The President—Your name is David Shier?—A. It is.

Q. 626. You are Medical Inspector of Estates' Hospitals?—A. I am.

Q. 627. How long have you held that appointment?—A. Since September, 1859.

Q. 628. You are the first who held the office, I believe?—A. The first.

Q. 629. Sir George Young—You were appointed under sec. 23 of the Consolidated Ordinance, No. 4 of 1864, I believe?—A. I was appointed under Ordinance No. 17 of 1859.

Q. 630. Oh! yes; the other was not passed, of course. Your duties when appointed were to inspect the Hospitals on Estates, were they not?—A. They were.

Q. 631. And at present your duties are ———?—A. The same with the addition of inspecting the dwellings of the immigrants:

Q. 632. For how many years have you had that additional duty of inspecting the dwellings of the immigrants?—A. Since the Ordinance 4 of 1864 came into operation.

Q. 633. The office you hold is remunerated by a salary and travelling expenses are paid?—A. It is.

Q. 634. Did any change take place in the remuneration of the office when these additional duties were imposed upon it?—A. None; and I may add that I was never consulted when those duties were laid upon me.

Q. 635. Are you the only official upon whom the duty of the inspection of Hospitals is laid on?—A. The only one.

Q. 636. And with regard to dwelling houses, is that so?—A. The same.

*Dr. D. Shier.* Q. 637. The President—Has the duty been much increased by the inspection of dwelling houses?—A. Almost doubled. I ought to have stated, when I reflect on it, in my answer to the question, If my remuneration was increased after I had to inspect these dwellings? that since that time I have received £100 a year for clerical assistance. But I had applied for that before these duties were laid upon me.

Q. 638. Sir George Young—Has the duty of the office increased apart from this additional labour which has been laid upon you since you have held the office?—A. It has increased materially, inasmuch as I have attempted to do the work in a more efficient manner than when I commenced it first.

Q. 639. Is it any part of the duties of the Immigration Agents to inspect the dwellings of immigrants in your knowledge?—A. I do not think it is specified in the Ordinance. It however may be.

Q. 640. Are you aware that they do fulfil that duty?—A. I know that they frequently look to the dwellings of the immigrants when they are on the estates, but I do not know that they make it a part of their duty.

Q. 641. With regard to the Commissaries and Sub-Commissaries of Taxation, do you know that it is part of their duties?—A. It is.

Q. 642. Is that part of the Act in operation?—A. So far as I am aware it is a dead letter.

Q. 643. You are required to visit every estate in the Colony upon which there are indentured immigrants twice a year?—A. I am.

Q. 644. Or, I believe, I should say once in every six months; is it not so?—A. It amounts practically to twice a year.

Q. 645. Are you required to visit estates at any other times or for any other purpose?—A. There is no specification in the Ordinance as to my visiting at any other time.

Q. 646. I mean special visits?—A. But I have been repeatedly requested to do so by the Executive.

Q. 647. Have you a copy of Ordinance 4, of 1864?—A. I have only that part of it relating to my own office.

Q. 648. Part 13, I think it is?—A. Yes.

*Dr. D. Shier.*  
30th Aug. 1870.

Q. 649. Will you refer to section 144 if you please? Have you a copy of the rules and regulations therein mentioned?—  
A. Those rules and regulations have never been framed.

Q. 650. You mean no rules and regulations have been framed since the passing of the Act?—A. No rules and regulations have been framed for maintaining discipline and enforcing cleanliness.

Q. 651. Were there rules in existence before?—A. No other rules except what the Ordinance contains. I can explain with regard to this question which you have put, at least I can offer a certain explanation, which will show why these rules have not been made. That explanation was made in a report which I laid before His Excellency and the Court of Policy on the 27th October, 1866, the 13th report. I have not a copy of it with me, but I can tell you the purport of it. I brought it to the notice of the Executive that according to this section of the Ordinance another medical man had been appointed along with the Surgeon General and myself to draw out these rules. The Court of Policy had some time previously appointed this gentleman, Dr. Macaulay, to complete the Committee. On intimating the completion of the Committee to Dr. Manget, the Surgeon General, and Dr. Macaulay, they both averred that the Ordinance was perfectly sufficient of itself and that in their opinion no further rules and regulations were necessary; and they declined to act.

Q. 652. The President—That is mentioned in your 13th report?—A. Yes.

Q. 653. Sir George Young—Are the rules drawn from this Act suspended in the hospitals?—A. There are no rules; there are diet tables suspended in the hospitals.

Q. 654. Sir George Young—I observe that the clause I have alluded to concludes with a provision for the conviction of any person who shall commit a breach of any such rules and regulations. Is there any other means of maintaining discipline in the absence of these rules? Is there any other means of obtaining a conviction or legal punishment?—A. I am not aware, except in the case of an immigrant escaping from a hospital, or refusing to enter a hospital.



*Dr. D. Shier.* Q. 655. Has any inconvenience in your opinion arisen from the absence of these rules with respect to the enforcing of discipline?—A. Had such rules been in existence, they would have very materially strengthened my hands.

Q. 656. They would have strengthened your hands in enforcing discipline?—A. Especially cleanliness.

Q. 657. On each visit of yours you send in a report to the Executive?—A. Every six months I send in a general report.

Q. 658. And besides that, particular reports ——?—A. Besides the general report, after each district of the Colony is visited, I send in what is termed the Record of Inspection.

Q. 659. What does the Record of Inspection contain?—A. All the entries made in the Estates Hospital Registers.

Q. 660. All the entries made by yourself, I understand?—A. By myself. Besides notes, giving all such information as I think the Executive and Court of Policy ought to be possessed of.

Q. 661. Are these notes communicated to the managers or Medical Practitioners of estates?—A. The entries in the registers, of course, they are familiar with; they appear first on the registers of the estates. The notes are also forwarded to managers, provided His Excellency deem a note of any importance, and he wishes to draw the attention of the manager or proprietor to the subject.

Q. 662. They contain, in fact, I suppose, notes in general which are necessary to be provided?—A. Certainly. In fact they form a sort of history of the hospital from the commencement.

Q. 663. Your general reports are published, I believe?—A. Many of them have been published, but not all.

Q. 664. But these records are not intended for publication?—A. Not at all.

Q. 665. Now, supposing you, upon one of your visits, discover a deficiency either in the management or in the *materiel* of the hospital, What steps have you at command for enforcing a remedy?—A. I at once notice it and call attention to it in the Hospital Register, and I call the attention of either the manager of the estate or of the medical attendant of the estate to whom the matter may belong.

Q. 666. Is that notice sent in with your record to the Executive?—A. A copy of that notice forms part of the record presented to the Executive. *Dr. D. Shier, 30th Aug. 1870.*

Q. 667. Are these notices always the subject of further communication from the Executive?—A. By no means; the notice may be a commendatory one, where no further notice is required.

Q. 668. And often, I suppose, on trivial matters, or matters comparatively trivial?—A. Sometimes they are not altogether trivial.

Q. 669. Supposing you found fault with anything in the hospital, would it always be noticed by the Executive?—A. It will be at once noted by His Excellency, passed on to the Government-Secretary, and the proprietor or manager of the estate communicated with.

Q. 670. Then the manager has a double intimation, first from your entry in the hospital book, and afterwards from the Executive?—A. Yes.

Q. 671. Supposing a defect were not remedied upon your second inspection, what would be your process?—A. Well, if such a thing did occur, I should at once, upon the second occasion either intimate that I would sue for the penalty, or if it were a somewhat trivial matter, I would intimate that it would again be represented to the Executive, but I know of only two instances in which that has occurred in these 11 years.

Q. 672. Had you ever to sue for the penalty, or to instruct anyone to sue?—A. Never, for the occasion has never arisen.

Q. 673. The President—What were those two occasions, will you mention them?—A. One occasion was a deficiency of hospital clothing.

Q. 674. Upon what estate was that?—A. *Plantation Cotton Tree, Berbice.*

Q. 675. And the other?—A. At this moment I cannot recollect it, but by consulting my papers I shall be able to do so.

Q. 676. Sir George Young—We may conclude then that the regulations for the management of hospitals, so far as they are concerned in this Act, are carried out efficiently?—A. With as much honesty and integrity as I can command.

*Dr. D. Skier.*

30th Aug. 1870 Q. 677. Pardon me, I did not mean with respect to the performance of your duty, but the regulations for the management of hospitals are thoroughly observed?—A. The provisions of the Ordinances have been complied with during my tenure of office. I do not mean to say that breaches of those provisions have not occurred. Very far from it; but I mean to say when these have been pointed out and when a proprietor or manager has had his attention called to any breach of any one of these provisions it has been remedied.

Q. 678. Mr. Mitchell—Does he ever repeat the breach?—A. I am not aware that the same manager ever did so.

Q. 679. Has it ever occurred on the same estate?—A. The same fault may have occurred on the same estate, but under a different manager.

Q. 680. Have you generally many out-patients?—A. On some estates there are very few out-patients.

Q. 681. Is this the rule?—A. On the majority of estates there are few out-door patients in the great majority of estates.

Q. 682. Is there any provision under section 140 for the diet of out-door patients?—A. No out-door patient receives diet at all.

Q. 683. Are out-door patients supposed to work at all?—A. Out-door patients, I am not aware, are asked to work. I do not mean to convey by that answer that out-door patients may not work, but I presume it is always at their own disposal. I have never heard of its being otherwise. If willing to work, I presume they would not be prevented from working.

Q. 684.—Do patients as a rule prefer to be in hospital, or out-door?—A. We always prefer to have them in-door patients.

Q. 685.—But do the immigrants?—A. Most of them would prefer to be in-door patients.

Q. 686. Is that on account of their not receiving diet out of doors do you think?—A. The object has always been on these estates to encourage patients to come into Hospital at as early a date as possible, and patients with very trivial ailment are admitted. The slightest scratch for example. If a patient is disposed to come into hospital he would be received in hospital.

Q. 687. Sir George Young—In the result do you think—we shall, of course, have a great many statistics laid before us—

but do you think we may take the statistics of deaths occurring in hospital as a closer proximation to the number of deaths occurring amongst indentured immigrants?—A. It is not exactly correct certainly, but it is not very far wrong, inasmuch as there are very few deaths but what occur in hospital. *Dr. D. Shier.* 30th Aug. 1870.

Q. 688. The President—It would be a near approximation?—A. Tolerably close, much closer in this country than in any other country I am acquainted with. That, however, solely with indentured immigrants.

Q. 689. Sir George Young.—Are you acquainted with any body of statistics to which we could refer, in which somewhat similar circumstances prevail by way of comparison.

Dr. Shier—In this Colony?

Sir George Young—I mean the circumstances under which a large class of people are so carefully looked after, that we could ascertain from statistics or hospital returns what deaths occur among them.

Dr. Shier—I know of none, the nearest approach would be that of military stations.

Q. 690. Sir George Young—In comparing these statistics of the hospitals here with the general statistics of other countries, can you point out to us from your knowledge of the science what we should be on our guard against?—A. The great difference that exists between this country and all others that I know anything of, is that we admit a much larger number of patients into hospitals than would be admitted any where else. I may explain that that has arisen from the importance of early treatment of patients in hospital.

Q. 691. Taking these statistics of the hospitals as an approximation to the statistics of the general class of immigrants, is there any special saving clause that we should bear in mind?—A. Dr. Shier—I do not exactly understand the bearing of your question.

Q. 692. Sir George Young—You say these hospital statistics may be taken as an approximation to the statistics of deaths among indentured immigrants—A. Yes, a tolerably correct one.

Q. 693. Does it follow then, that we may take it as an approximation to the deaths in the class to which they belong. It has been suggested to us that it is possible these sta-

*Dr. D. Shier.* tistics are not to be relied upon, because a large number of immigrants desert from the estates, and of their deaths no record is preserved?—A. That question can be solved with much greater certainty by the Immigration Agent General, than by me, because all deaths, whether they occur in hospital or out of hospital come under his observation.

Q. 694. The scale of diet in use in the hospitals has been framed and is hung up?—A. It has been so since October 1859, translated also into the various dialects of the immigrants, half a dozen of them, as well as into Portuguese and English.

Q. 695. The President—Do you mean by half a dozen positively 6?—A. I believe 6.

Q. 696. Sir George Young—Has the diet table remained substantially the same as it was in those days?—A. It has remained without any alteration the whole of these 11 years.

Q. 697.—Has it commended itself to your experience as in every respect the best for the purpose?—A. I am satisfied of its being sufficient. I would add, that these various diets in the dietary do not constitute all the food which may be ordered by the medical attendant. He may and very frequently does order extra bread, fowl, soup, brandy, wine, and other hospital comforts.

Q. 698. The President—The dietary, as I understand, contains only the ordinary diet?—A. We have four different sorts of diet in the diet scale. We have first what is termed ordinary diet; secondly, we have what is termed Coolie diet; thirdly, we have what is termed spoon diet; and fourthly, we have what is termed milk diet; so that the medical attendant has an opportunity of selecting any of those four which he may think best suited to the particular patients.

Q. 699. Mr. Mitchell—Is the food ever served out uncooked to the immigrants?—A. Occasionally.

Q. 700. That is, when there have been objections to the mode of cooking?—A. Yes. I regret exceedingly that that provision was ever introduced. I am happy, however, to say it is but very seldom had recourse to now.

Q. 701. Sir George Young—You do not find that the obstacle of caste is a serious one?—A. Not now certainly. That is in comparison with what it was 11 years ago.

Q. 702. Mr. Mitchell—Do any of the medical attendants visit oftener than once in 48 hours?—A. Very much oftener. In certain districts the visit is 5 times a week ; that is every day, Sundays and Thursdays excepted.

*Dr. D. Shier*  
80th Aug. 1870.

Q. 703. How long has that been the case?—A. For many years ; at all events for several years ; four or five years.

Q. 704. The President—Are the medical men on the estates under your department or independent of you?—A. So far as the work they do, the books they keep, they are under my department. I have to inspect them. Certain clauses of the Ordinance will point out where penalties are attached to medical men, and in what respect.

Q. 705. Sir George Young—Are you able to say that the estates are visited universally, or nearly universally as the statute requires by the medical practitioners?—A. My belief is, that perhaps in no part of the world could such an example of steadiness, energy and faithfulness be exhibited. I speak of them as a Body.

Q. 706. Mr. Mitchell.—Does it ever happen that a medical man has a greater number of estates, or that those estates are so situated that he cannot attend to them properly?—A. It would depend entirely on the definition of the word properly. If it is meant by properly that he does his work effectively—

Mr. Mitchell—That is what I mean.

Dr. Shier—Then so far as I know there is no medical attendant in this Colony, but what might do the work which he has to do.

Q. 707. Sir George Young—Does the provision of this Ordinance which requires the visits of the Medical Practitioners to be made at stated times—I think every other day—Does that work satisfactorily?—A. It has done so heretofore, but as year by year the immigrants on estates increase in numbers the time is coming when a daily visit will be essentially necessary on some estates. In fact it is so already on some.

Q. 708. Does it lead to the waste of a medical man's time in attending estates more often than is necessary.

Dr. Shier—The present rule of visiting once in every 48 hours ?

Sir George Young—Yes.

*Dr. D. Shier.*

Dr. Shier—I certainly think it is essentially necessary that he should visit every 48 hours if there are any patients at all, but whether there are patients or not he is bound to attend.

Q. 709. Sir George Young—At present then, these visits are most punctually paid?—A. Most punctually. I do not mean to assert that no medical man becomes sick and is unable to attend on the day of his visit, but I mean to say that taking one quarter with another, you will almost invariably, without only one exception, find that they pay more visits than they are required by the Ordinance to do.

Q. 710. Are you acquainted with the salaries paid to Medical Attendants, or with the fees which they receive?—A. I know to within six months what the salaries are. If any changes have taken place since that time, I am not acquainted with them. But up to that time, I am.

Mr. Cowie—Dr. Shier has prepared a Return on this subject. I would suggest that it should be handed in.

Dr. Shier—I did not prepare it for the purpose of the inquiry. It happened to be a piece of information required by the Executive some 6 months ago.

Q. 711. Sir Geo. Young—I did not ask what the salaries of the Medical Attendants are, but whether the service is in general adequately paid for?—A. I think the greatest salaries I can name —

Sir George Young—I wish merely to obtain your opinion on the subject, whether in general the service is sufficiently paid.

Dr. Shier—Well, it is dearly won I should say. Considering the work and the climate there is good work done for the money paid.

Q. 712. The President—We shall be able to have that statement to which you have referred?—A. Certainly.

The return of salaries of medical men was then handed in.

Q. 718. Sir George Young—Is the custom of having joint hospitals for different estates, an increasing one?—A. By no means increasing.

Q. 714. Do you recommend it?—A. I do not unless under *Dr. D. Shier*.  
very peculiar circumstances.

30th Aug. 1870.

Q. 715. Mr. Mitchell—With regard to joint hospitals, is the lowest mortality generally found on the estate nearest to the hospital, and the highest on the estate furthest away?—A. A joint hospital may be a hospital common to three estates, and is generally on the central one.

Q. 716. Then would the mortality be generally higher on the other two than on the central one?—A. That depends very much upon the population of the different estates. If the population were equal and all other circumstances equal we should be able to judge. But it is so very seldom that that is so that we can draw almost any inference. There is this certain fact about central hospitals. By no means the same number of patients are treated in the central hospitals that would be treated, with the same amount of hospital accommodation, each estate having a hospital of its own.

Q. 717.—When you had visited *Leonora* estate, had you ever had occasion to complain of newly arrived immigrants being placed in the hospital?—A. I have; on the very last occasion I visited it.

Q. 718.—Had you ever occasion to complain of that before on the same estate?—A. Once before.

Q. 719. Sir George Young—Is that a frequent ground of complaint?—A No; I am happy to say it is not.

Q. 720. Mr. Mitchell—Was it the same manager on both occasions?—A. On the first occasion it was a different deputy manager.

Q. 721. Sir George Young—Do you find you are able to procure the building of a new hospital whenever it is required?—A. On every occasion there has been the greatest disposition to afford all the accommodation which the immigrants could require.

Q. 722. I suppose you have in the course of your experience been able to arrive at the best form and manner of building a hospital with some certainty?—A. I have endeavoured to do so.

Q. 723. Can you say that the majority, or that nearly universally the hospitals in the colony are such as you approve of?—A. All the new hospitals are such.



*Dr. D. Shier.* Q. 724. They are built according to suggestions from yourself in general?—A. Within the last few years they have all been so.  
 24th Aug. 1870

Q. 725. Have there been more hospitals built within the last few years than in proportion previously?—A. At present in the whole colony there are 118 hospitals. Since 1860 of those hospitals 41 have been built; the 41 are therefore new. Other buildings, 14 in number, have been fitted up as hospitals. Of the hospitals that existed previously 12 have been enlarged, and of hospitals in existence in 1859, ten have been very greatly altered. At the present moment six hospitals are in process of erection, and in the present year three have been built.

Q. 726. Is that a larger average than usual?—A. In 1860, eight new hospitals were erected: in 1861, three; in 1862, none at all; in 1863, three new hospitals were built; in 1864, two; in 1865, three; in 1866, one; in 1867, five; in 1868, six; and in 1869, seven were built. This year three have been built and there are six in process of erection.

Q. 727. The erection of hospitals, I suppose we may conclude, has fully kept pace with the increase in the number of immigrants?—A. It has. I ought to have stated that of the whole 118 hospitals 26 have been very little altered; that is the greater part of them require no alternation at all; but a few of them will require to be pulled down if the number of immigrants on the estates is increased.

Q. 728. You say they will require to be absolutely pulled down, not enlarged?—A. They do not admit of either alteration or enlargement.

Q. 729. The president--What allowance of cubic feet of air do you contemplate in a hospital for each patient, supposing it is full?—A. Nothing under one thousand cubic feet, nothing below. Many of our hospitals have an excess over that, but none of the new ones have less.

Q. 730. Sir George Young—Would it be made an absolute condition of the allotment of new immigrants to an estate that the hospital accommodation should be put in a satisfactory state?—A Undoubtedly.

Q. 731. Do you remember an application for more immigrants ever having been refused or deferred in consequence of deficiency in that respect?—A. I have known immigrants applied for and

an intimation returned that the number already on the estate was equal to the accommodation in the hospital. *Dr. D. Shier.*

30th Aug. 1870

Q. 732. In that case accommodation would be provided?—A. In that case a new hospital would be required,—either a new hospital or the enlargement of the old one if it admitted of enlargement.

Q. 733. But you do not remember a necessity arising for refusing or delaying an application for new immigrants on that ground?—A. I have known immigrants refused until the requisite accommodation was provided.

Q. 734. And that step would be taken in consequence of your reports?—A. Certainly.

Q. 735. The President—Can you give the names of any estates in connection with which that has occurred?—A. By referring to my books I could give you examples.

Q. 736. Sir George Young—I understand these refusals have been in consequence of accommodation not being sufficient for the new immigrants?—A. Yes.

Q. 737. Has it ever occurred that new immigrants had been refused, not merely on account of deficiency of accommodation for them, but on account of an existing deficiency of accommodation for those already on the estates?—A. That is a matter that has rested with the Immigration Agent General. He has been supplied with the number of beds in each hospital and he knows the number of immigrants on each estate. But I believe the matter has been taken entirely into the hands of the Executive; so that with the information as to the number of beds and the amount of accommodation in the hospital, and the information as to the number of immigrants on the estate, it would be determined at once whether a further allotment of immigrants could be made or not; and no allotment will be made until proper accommodation is provided.

Q. 738. Then your report had to be compared with the returns of the Immigration Agent General?—A. I have no documents in my possession which will show the number of immigrants on each estate. That is known to the Immigration Agent-General.

Q. 739. Are you not supplied with documents to that effect?—A. A request has been made that I shall be supplied, but as I had nothing to do with the allotment of immigrants, it was a matter

*Dr. D. Shier.* of comparatively little moment that I should be supplied.

30th Aug. 1870.

Q. 740 But would it not bear upon your reports upon the hospitals?—A. In the Immigration Office the amount of accommodation is known, and it is to be presumed that no more immigrants will be given than there is accommodation for.

Q. 741. But would not your report as to the accommodation contained in the hospital depend very much upon your knowledge whether it was sufficient for the number of immigrants on the estate?—A. I know the exact amount of accommodation which the hospital contains; but I do not know the number of immigrants on the estate. That is a matter belonging entirely to the Immigration Agent General. I may state that at the last inquiry as to the amount of bed accommodation it was greatly in excess of the number of immigrants on the estates.

Q. 742. Your reports then go to the Immigration-Agent's office?—They are sent there?—A. Certainly they are sent there.

Q. 743. And any report to the Executive as to the sufficiency of hospital accommodation must come from him; because you are not able to give evidence on the point?—A. Not knowing the numbers on the estates, I cannot do so.

Q. 744. The President—What is the proportion of hospital accommodation to the hundred?—A. For the first hundred fifteen beds are required, and for every additional hundred, five per cent of beds. So that an estate having one thousand indentured immigrants must have a hospital containing sixty beds.

Q. 745. Have you any direct communication with the Immigration-Agent's office?—A. None unless I want information on any point.

Q. 746. Do you apply to him directly for it; or through the Executive?—A. Directly. I may mention that in the last allotment of immigrants, if the Immigration Agent-General had any doubt about an estate, he referred the matter to me and asked for information—does such and such a hospital contain such and such accommodation.

Q. 747. Sir George Young—Before that time had you had occasion to observe that allotments were sometimes made improperly, that is to say the immigrants were allotted where the hospital accommodation was insufficient, owing to want of communication between the two departments?—A. I know one case in which an

allotment had been made where the hospital accommodation was *Dr. D. Shier.* defective, but that case was not amongst those which were referred *30th Aug. 1870.* to me. I believe that at the time when the allotment was made I was in the county of Berbice.

Q. 748. Then this occurred during the last allotment?—A. The allotment was made during the last season.

Q. 749. Previously to the last season did cases of that sort happen?—A. That is the only one I am aware of at this moment. I do not mean to assert that it has not occurred; but at this moment I cannot recall to my recollection a case in which it has.

Q. 750. Can you give us the name of the estate?—A. *De Willem.*

Q. 751. What in general are the weak points of the hospital system—that is to say, the points of which you have most frequently had to make complaints?—A. They are exceedingly various. I had to complain sometimes of one fault, sometimes of another; very frequently of want of cleanliness.

Q. 752. Have you noticed that in section 150, using or permitting the use of the hospital building for any other purpose is prohibited?—A. I have had to complain of that upon several occasions. When I say upon several occasions, it is comparatively rare, considering the number of hospitals and the number of my visits that it has occurred. The space under the hospital is generally vacant, so as to permit a current of air to pass through; and it is of course illegal to place anything there. I have sometimes found, for example, a wagon put there, and I have had to complain of that.

Q. 753. Do you remember having often had to make complaints as to improper diet having been supplied to patients in the hospitals?—A. As to improper diet, I do not know that I ever had occasion to complain; but I have had occasion to complain of all the articles of diet not being given.

Q. 754. Of insufficient diet, that is to say?—A. Of part of the articles composing the diet of the patients not been given. For example in coolie diet, on one or two occasions I have found the allowance of pork not given.

Q. 755. Is that easy to discover on your visits?—A. So far as I am aware there is but little difficulty in discovering it. The immigrants invariably, if they have a grievance, have it ready or me when I visit them.

*Dr. D. Shier.* Q. 756, You feel sure it could not prevail to a great extent without your becoming instantly aware of it?—A. I am sure  
30th Aug. 1870. to no great extent without my becoming aware of it.

Q. 757: Have you ever discovered it twice running in the same place?—A. I have never discovered it twice with the same manager.

Q. 758. The dispenser is the officer who will be charged with the immediated execution of it?—A. He is present when I visit the hospital; but in nine cases out of ten the manager also is; present.

Q. 759. Did you ever discover it twice with the same dispenser?—A. I am not aware that I ever did.

Q. 760. Would it in general involve the dismissal of the dispenser if it were found that he had been giving insufficient diet?—A. Certainly: if it had been found that the article of diet had been issued and not administered.

Q. 761. When you have discovered this, has it generally been one of those cases, or the other—that it has been issued and not administered, or not issued?—A. In almost all cases where it has occurred it has been through inadvertency.

Q. 762: Through inadvertency of dispenser?—A. Either a young dispenser, a person who had had little experience, or from some misunderstanding in the reading of the table.

Q. 763 Did you ever know an instance of a manager refusing the diet?—A. Never. I have known a manager not to be aware that a certain article was not administered; but I never knew a manager but what immediately took steps to rectify it.

Q. 764 The President—Is this return of the salaries of medical practitioners a public one—one that has been published?—A. Never.

Q. 765 The President—Then we must consider it private.

Q. 766 Sir George Young—As to the complaints of the Coolies when you visit the hospitals—what do you find they generally turn upon?—A. Almost invariably as to food; at least in a great many cases it is so:

Q. 767. Is that owing to their being unaccustomed to the

sort of food, or to impatience of medical restraint, in that respect generally?—A. No; I think it is rather that they very frequently take it into their heads that they do not get the necessary weight of the articles. *Dr. D. Shier.*  
30th Aug. 1870

Q. 768. It is rather the quantity than the quality of the food that they complain of?—A. So far as I recollect; I have no remembrance of any complaint as to quality ever made by an immigrant.

Q. 769. Do you find that they confine their complaints generally to what they understand to be their rights or do they complain of the scale of diet?—A. It is not of the scale they complain. They all know intimately what they ought to have. These diet tables are in all the hospitals. But the complaint most frequently made is this—If I ask a patient if he has any complaint to make; he will reply "Yes; I do not get half enough bread." The bread is produced, and we have the scales and weights brought. In nine cases out of ten the bread is more than the weight, but he has an impression that it is not the right weight. In fact, I suppose, though they got twice the quantity they would have the same idea.

Q. 770. When they find it is the right weight are they generally satisfied?—A. Oh! yes.

Q. 771. They do not complain of deficiencies in the scale, when they are satisfied upon the point of weight?—A. Oh! no, and even when they have made complaints, and I have examined the bread, and it has been found underweight; when they know that the authorities of the hospital had been told to give the exact amount they are satisfied.

Q. 772. The President—You mentioned that patients are readily admitted into hospital, and instanced that the slightest scratch you admit them: Is it for any particular reason—because the scratch may become a sore?—A: That often has been the case.

Q. 773. Would they have been admitted for an apparently equally trivial affection of another kind?—A. Well, generally so. If any error is committed it is always on the safe side. If there is any doubt about a patient suffering or not suffering he will be admitted and actually kept in hospital until it is found whether he is suffering or not. It is the general rule.

Dr. D. Shier.  
30th Aug. 1870

Q. 774. When a patient is once out of hospital, I suppose you are not likely to see anything more of him, or to hear his complaints?—A. Oh! no; I have no opportunity of seeing him again.

Q. 775. The President—Are out-patients considered on the doctor's books?—A. The out-patients are entered in both the Case Book and the Register.

Q. 776. Sir George Young—Have you ever observed stocks in a hospital?—A. I have.

Q. 777. It is a common thing?—A. Not in all hospitals.

Q. 778. They are used I understand by way of treatment?  
A. They are not in hospitals now.

Q. 779. They are not used now?—A. Not now.

Q. 780. Are they forbidden?—A. Forbidden.

Q. 781. The President—Since when?—A. Very recently. I may mention with regard to these stocks, one or two particulars, though not intimately acquainted with the subject. When the present hospital system came into force, there were already hospitals throughout the colony. They had existed under the old *regime*, and the stocks were in them, or at least in many of them. When the Ordinance No. 17 of 1859 came into force, on the very first inspection I made, I discovered some of these stocks and the matter was reported to the Executive. But on an attempt being made to remove these stocks——

Q. 782. Sir George Young—An attempt by the Executive?—  
A. Yes. On an intimation to the effect being made, some of the medical men intimated to the Governor that they were essentially necessary in hospitals in the treatment of patients and that, without them, they would not be responsible for the proper treatment of patients. The Governor not wishing to interfere with the medical men in their practice, did not order their removal, but made it a condition of using them that it should only be done by the medical attendant, and by an order in the case book—an entry in the case book of the order for their use. I may state that during the years that I had visited these estates I have very seldom indeed found a case in which they had been used. A case, however, occurred about two years ago, where an overseer, in the absence of the manager and without authority, placed an immigrant in the stocks.

Q. 783. A male or a female?—A. A male, I understand. Of *Dr. D. Shier*, that, however, I will not be positive. I am not perfectly certain; *30th Aug. 1870.* that, however, can be easily ascertained. The result was that the manager lost his situation.

Q. 784. Can you give us the name of that estate?—A. *Pin: Affiance.*

Q. 785. That is in Essequibo, I think?—A. In Essequibo.

Q. 786. And the manager was dismissed in consequence of this?—A. Yes; dismissed; lost his situation.

Q. 787. Did the case come into court?—A. The manager was dismissed by the attorney, and then sued the attorney for salary.

Q. 788. The manager was not brought up in Court on account of the assault?—A. No; he had been dismissed from the estate, or the Government would have taken it up through the Immigration Department.

Q. 789. The President—Was there anything peculiar in the form of these stocks?—A. In these there was something peculiar. They had never been in the hospital before. They had been introduced. They were never there on any visit of mine.

Q. 790. Sir George Young—They had been introduced at this time?—A. Yes.

Q. 791. The President—Was there anything peculiar in their formation?—A. There was this peculiarity: they were very much more elevated than any I had ever seen.

Q. 792. Was that the seat of the stocks that was elevated?—A. No; I only saw them once in this Court of Justice. I had never seen them on the estate; but the apertures in the stocks appeared to be more elevated than in any I had ever seen, and the consequence was that unless the person confined in them had been placed in a chair it would have been almost impossible to have put him in.

Q. 793. Sir George Young—This did not come before you during any of your inspections, but was merely what you observed in Court?—A. Simply my observation in Court.

Q. 794. Do you know whether it was done under pretence of treatment?—A. No; it was done without an order from any medical man at all.



*Dr. D. Shier.* : Q. 795. Do you know whether it was supposed to be by way of treatment, or by way of confinement?—A. I believe by way of punishment.

Q. 796. It was, I suppose, merely an accident that the stocks happened to be in the hospital?—A. I am not aware that they had ever been used before. They were never used by the medical attendant.

Q. 797. They were not in the hospital at any of your inspections?—A. I never saw them during any of my inspections. The subject is one which has given a very considerable amount of uneasiness to the Executive at all times, and on the very last occasion of its coming to the notice of the Government they were suppressed entirely.

Q. 798. That was on this occasion?—A. No.

Q. 799. Then another instance has occurred of their use since?—A. Yes. Of course from that estate stocks were removed entirely, and were never introduced again, either on *Affiance* or on any other estate under the control of the same attorney. In fact the estates where stocks remained were very few indeed.

Q. 800. The President—You say stocks were retained for the medical treatment of patients. What was their supposed use?—A. In the cases mentioned by the medical men, two or three instances were given in which they said it was essentially necessary that they should have them more to terrify than for use. For example I recollect one medical man stating that from time to time one immigrant brought into hospital was a man of such daring character and was so little under control that it was almost impossible to keep him out of the female ward.

Q. 801. Sir George Young—You do not think there use was justified exactly as a method of treatment.—I mean as a medical precaution? It has been suggested that it was to keep the Coolies from interfering with their sores?—A. In one instance that also was stated; I believe in more than one instance where patients were so determined to remain in hospital, that they would keep their sores open in spite of all attempts to heal them.

Q. 802. You do not consider that that is an adequate reason for procuring this institution?—A. I certainly think that restraint in another form might be adopted. They have however, ceased; they are now forbidden throughout the whole Colony.

Q. 803. Do you remember the circumstances of the last case to which you have referred?—A. Yes.

Dr. D. Shier.  
30th Aug. 1870.

Q. 804. We shall be glad to have the particulars of that?—  
A. It was the case of a medical man. As I have already said these stocks were entirely under the control of the medical men; and when this case occurred, where a medical man had actually applied them to an improper use, His Excellency said it was time they should be removed even from the control of the medical men.

Q. 805. They had been applied to an improper use by one of the medical men?—A. By one of the medical men.

Q. 806. Did that case come into Court.—A. It came into Court.

Q. 807. In what form, do you remember?—A. An action of damages was raised by the prisoner who had been put into the stocks for illegal—

Sir George Young—I do not care for the technicalities of the case. I only want to know generally who brought the action and what the result of it was,

Dr. Shier—An action for assault was brought.

Mr. Jenkins—I have a report of the case before me.

Sir George Young—Perhaps if you will look at it, Dr. Shier, you may be able to tell us whether it is correct.

A newspaper report of the case of *Putea*, a female indentured immigrant, v. *Duffey*, surgeon, was then handed to the witness.

Q. 808. Sir George Young—Do you believe the circumstances are pretty correctly stated there?—A. I believe so.

Q. 809. Sir George Young—Perhaps you will just look it through and see if they are correctly stated as far as your knowledge goes.

Dr. Shier—I recollect of having read the report.

The report was then handed in.

Q. 810. Sir George Young—Do you remember any prosecution under sec. 154 or 155 of the Consolidated Immigration Ordinance, under this particular part, in which you are expressly con-

*Dr. D. Sklar.* 30th Aug. 1870 *cerned, which came under your notice?—A. I do not remember any prosecution, but I remember two instances in which all the immigrants on estates were removed.*

[ Q. 811. Will you give us the names of the estates from which the immigrants were removed?—A. One of them was in Wakenaam, named *Fredericksburg*: and one in Berbice, named *New Forest*.

Q. 812. Was any subsequent application made for immigrants upon those estates?—A. None.

Q. 813. What was the cause of their removal in those cases?—A. In one case, that of *New Forest* in Berbice, a very considerable mortality had occurred amongst a number of immigrants sent to the estate; and it was found that both the medical attendant and the manager had been remiss in the performance of their duties.

Q. 814. Mr. Mitchell: Was it a large number of immigrants that were removed?—A. I do not think it exceeded fifty.

Q. 815. On both estates?—A. Oh! no: on *New Forest*.

Q. 816. How long is that ago at *New Forest*?—A. It occurred about 1861 or 1862; I can give the exact date by reference.

Q. 817. Sir George Young—Was it after warning which warning had been unattended to, that these immigrants were removed?—A: An inquiry was instituted by the Governor into the circumstances of the case: The mortality was reported and, as soon as it was known, an inquiry was made. These matters were brought to light and the Governor at once ordered the immigrants to be removed.

Q. 818. Sir George Young—Did you take part in that inquiry?—A. I took no part further than reporting.

Q. 819: You were not one of the Commissioners?—A. No; the inquiry was conducted entirely by the Immigration Department.

Q. 820. Was your report the cause of the inquiry being instituted?—A. I had no doubt about it.

Q. 821. And the other case?—A. The other case occurred in a island of Wakenaam.

Q. 822. How long ago was that?—A. About the year 1864 *Dr. D. Shier.* or 1865; I am not quite sure, but that date also I can ascertain <sup>30th Aug. 1870.</sup> from my papers. Had I known I should be examined upon it, I might have brought all the references with me.

Q. 823. Do you remember whether it was a large number of immigrants that was removed?—A. No; it had always been a small estate.

Q. 824. Do you remember the cause of removal?—A. I do. It was found on examination that the patients in hospital instead of receiving the treatment they ought to have done as provided for by the Ordinance, and that instead of getting a regular supply of food a small money allowance was given to each. It was also found that the sicknurse was unqualified, and that the treatment was altogether inefficient and unsuited.

Q. 825. In that case was the procedure the same? Were they removed after inquiry?—A. The Immigration Agent was sent down to investigate the matter.

Q. 826. The matter being a great mortality?—A. No; it was not so much the mortality, although a certain number had died. The people were dissatisfied, as was to be supposed.

Q. 827. What was the immediate cause of the Immigration Agent being sent down? How did it come to the knowledge of the Governor?—A. By the report which I sent in to the Executive.

Q. 828. In all these cases considerable warning would have been given to the manager by your previous reports, I presume? It could not be said that the immigrants were removed without warning?—A. Of course, in my previous reports, in both instances, I had pointed out certain things to be done and in both instances those things had not been done.

Q. 829. There has been no case of this kind since 1864?—A. No other case. These are the only two cases which have occurred.

Q. 830. You do not mean the only cases which have occurred in consequence of your reports, but the only cases in which immigrants have been removed?—A. No; the only cases in which immigrants have been removed on account of misdemeanour, or on account of the Executive finding it necessary to do so.

Dr. D. Shier.  
30th Aug. 1870.

Q. 831. Do you know if those two estates went out of cultivation in consequence of the removal of the immigrants, or if they are still in cultivation?—A. Both went out of cultivation, out of cane culture at least. I rather think the one in Wake-naam has lately been partially brought into cultivation. At least, the last time I passed by I saw a quantity of cane tops being carried into the estate and from that I inferred that they were attempting to renew it.

Q. 832. And the result was that although the estates went out of cultivation, no application for immigrants was again made?—A. No application has been granted. I do not know that no application has been made, but I know that no allotment has been made.

Q. 833. There has been no case so bad, or nearly so bad, as that since?—A. None that I have known at all.

Q. 834. Do you know the difference between what they call Coolie rice and other rice?—A. I have seen several samples of Coolie rice.

Q. 835. Is it an inferior description?—A. Not as to nutritive qualities.

Q. 836. What is the peculiarity of it?—A. It is small and irregular in shape, compared with many other samples of rice.

Q. 837. Is it less palatable?—A. The Coolies prefer it to the other rice. Chemically speaking, it contains a smaller quantity of glutine and a larger quantity of oil than the ordinary rice.

Q. 838. Is this the kind of rice generally given in the hospitals in the diet?—A. Where they can procure it I believe; but I have seen other rice given. I know managers take a great deal of trouble to find that quality of rice which will most gratify the immigrants. I have known them send great distance to get such a quality of rice.

Q. 839. Mr. Mitchell—To get Coolie rice?—A. To get that quality of rice the Coolies prefer.

Q. 840. Do they prefer Coolie rice?—A. I believe so.

Q. 841. Is the Coolie rice more expensive than other rice?—A. —That I do not know; I know it is not at all times to be had.

Q. 842. Sir George Young—It is a fancy I suppose of the

Hindoo population?—A. It is very difficult to explain; I *Dr. D. S. Mer.*  
certainly cannot account for it. 30th Aug. 1870

Q. 843. The President—It is a small-grained rice. Does it swell very much more than other rice?—A. It swells very considerably; but it is not so glutinous as the rice grown in this colony.

Q. 844. Does it swell in boiling more than other rice?—A. That I am not prepared to say; but it is drier when swollen.

Q. 845. Do you know whether there is a perfumed smell from it when boiled?—A. I cannot tell; I have often tasted it when cooked in their curry.

Q. 846. Sir George Young—Did it ever come to your knowledge that the Chinese had a predilection for or against it?—A. That I do not know.

Q. 847. Did you ever know an instance of an immigrant committing an act of violence in a hospital in order to escape?—A. At this moment I do not recollect. I have heard of a scuffle having occurred between a patient and a sick nurse.

Q. 848. Did you ever know a case of an immigrant being sent to hospital who ought not to have been sent by way of confinement, being sent by a manager to the hospital by way of confinement?—A. I am not aware that I ever did see such a case. If such a case has occurred it must have been at a very early period of my inspection. I think, if I mistake not, I have some vague recollection of going into a hospital on the West Coast and finding a man who was not a patient there, and turning him out of the hospital.

Q. 849. Do you mean that he had intruded or had been sent there?—A. Whether he had been sent there as a punishment or to be out of the way, I do not know. It is very possible he may have been drunk the night before and had been sent there on that account. I have the impression that I once saw such a case.

Q. 850. You think he was sent there at all events?—A. I think he was sent there; but by reference to my books I may find out.

Q. 851. You may find that very case?—A. Yes, such a case as that; a case of even much less importance would not pass unnoticed, it would be reported.

Q. 852. Have you received complaints of immigrants who were sick, but nevertheless wished to get out of hospital, believing they ought to be out?—I have repeatedly seen patients in

*Dr. D. Shier.* hospital who were exceedingly anxious to get out.

80th Aug. 1870.

Q. 853. And who complained that they were kept there against their will?—A. They were kept there because the medical attendant refused to discharge them.

Q. 854. That is a frequent cause of complaint, is it not?—A. I cannot say it is frequent. But I have seen such cases, especially females. I may, however, add that I never saw such a case as did deserve to get out of hospital.

Q. 855. You would have power in such a case to direct the patient to be discharged or to turn him out of the hospital?—A. I would take the responsibility on myself if it were a case that I thought would be injured by being retained in hospital. If I did not think it would be injured, I would recommend it to the medical attendant.

Q. 856. And if it came before you that some one had been put in hospital improperly?—A. I should certainly at once act in the matter; if such a case ever did occur.

Q. 857. Do you recollect an inquiry at *pln. Wales* in which you were one of the commissioners of inquiry?—A. I do.

Q. 858. What was the immediate cause of the inquiry being instituted?—A. There were certain charges brought by the dispenser against the manager, or deputy manager and some overseers, if I recollect aright.

Q. 859. Was the dispenser bringing these charges in order to maintain the efficiency of the hospital? Did he complain of the want of food or medicine?—A. He complained that the deputy manager interfered with him in the discharge of his duties, if I recollect rightly. It is some eighteen months since this occurred, and I should wish to be cautious in making any general statement.

Q. 860. You can refer, I suppose, to the notes you made?—A. A report was sent in signed by Mr. Crosby and myself giving the result of the whole inquiry; but so far as I recollect, it was a charge of interfering with the dispenser in his duty. That was the chief charge; but there were several charges.

Q. 861. The President—We have a good many more questions that we want to put to you, Dr. Shier. It is late to-day. Will it be convenient to you to come again at eleven o'clock on Thursday?—A. Oh certainly.

The Commission then at 4.30 adjourned.

*J. Crosby, Esq.*

31st Aug. 1870.

*Fifth Day : Wednesday, August 31st, 1870.*

The Commissioners took their seats at 11 o'clock.

Mr. Crosby, Immigration Agent-General, sworn and examined.

Q. 862. The President—Mr. James Crosby, I believe?—A. James Crosby is my name.

Q. 863. You are Immigration Agent-General?—A. I am Immigration Agent-General *de facto*.

Q. 864. How long have you held the office?—A. From the 1st July, 1858.

Q. 865. You are now Puisne Judge?—A. I am acting as Second Puisne and have been since the 25th March last for the second time. And I am a Barrister at-law of the Middle Temple.

Q. 866. Do you hold the office of Immigration Agent-General together with that of Puisne Judge?—No; I am only acting as Puisne Judge; and another person is acting as head of the Immigration Department.

Q. 867. Will you mention his name?—A. Gallagher, Denis M. Gallagher, the senior Sub-Agent. I have had, therefore, since the 25th March last, nothing whatever to do with the Immigration Department and I have never been in it except for a few law books I have required, my library being there.

Q. 868. Sir George Young—On the former occasion when you were acting as Puisne Judge—how long was that for?—A. Ten months; I think, from the 8th November, 1865, to, I think, the 22nd or 23rd August, 1866.

Q. 869. With these exceptions have you been constantly in charge of the Immigration Department?—A. Constantly. I have had none other but vacation leave on two or three occasions.

Q. 870. Before you were Immigration Agent-General, did



*J. Grosby, Esq.*, you held any office in the Colony?—A. I did; I *31st Aug. 1870.* was a Stipendiary Magistrate of the East Coast District, the date of my Commission was the 11th March, 1857, I think, if I recollect rightly, and in June, 1858, I had the gratifying offer of my present appointment.

Q. 871. Before you held office in the Colony had you been resident in it?—A. No; I came here from St. Vincent, I had not been resident in the colony, and I knew only one person in it, the late PETER ROSE, Esquire.

Q. 872. The President—Are the Emigration Agents in India under your control?—A. No; they are not; but I have had continual correspondence with them. They may to a certain extent be said to be or rather were under my control, because I write to them by the authority of the Governor and until lately on every matter whatsoever. The whole Immigration Department is centred in me, regulated solely and wholly, directly by the Governor.

Q. 873. The whole Immigration Department represented by you, is centred wholly and solely in you—in the colony you may?—A. Dependent upon the control of the Government.

Q. 874. You said that until lately you had corresponded with the Agents in India on every subject. What restriction has lately been imposed?—A. Lately with regard to monetary transactions.

Q. 875. Restriction has been put upon you?—A. Restriction to that extent; that is in relation to India.

Q. 876. Are you consulted in the appointment of the Immigration Agents?—A. Not at all.

Q. 877. The appointment is made by the Governor?—A. Only by the Governor.

Q. 878. It is an Emigration agency; not immigration?—A. Yes, Emigration; "from and out of."

Q. 879. Do you know how the Emigration Agents are paid?—A. They are paid by this Colony. When you say "Agents," there is only one agent for India and one for China.

Q. 880. Is he paid a fixed salary?—A. A fixed salary of £1,000 a year.

Q. 881. Sir George Young—That is the Agent in India?—A. *J. Crosby.*  
 India. And a capitation allowance on immigrants on their *31st Aug., 1870.*  
 arrival here, in pursuance of a resolution of the Combined Court  
 I forgot the date—in 1862.—All these particulars I can give  
 you most minutely, in a moment's reference almost, having access  
 to the Immigration Department; and upon every other matter  
 which can possibly come before this Commission.

Q. 882. What is the amount of the capitation?—A. The  
 amount, I think, is a rupee and a half, 3s. upon each immigrant,  
 varying from £40 to £60 upon each ship.

Q. 883. Is that still in operation?—A. That is still in opera-  
 tion. I act in pursuance of the resolution of the Combined  
 Court from time to time, and the mode which I have been direc-  
 ted to adopt in making out that capitation allowance has been  
 varied, very much varied. That resolution of the Court was  
 made in consequence of two ships having arrived here, I think  
 in 1862—I have not any documents and I cannot recollect the  
 names of the ships, but I shall be able to give you all the re-  
 ports and everything else connected with everything of that kind.  
 The resolution was arrived at in consequence of the great dissat-  
 isfaction of the planters generally with the class of people im-  
 ported into this country. I requested the late Governor, Sir  
 Francis Hincks, to go on board those two ships with me, and be  
 an eye witness of their state and condition.

Q. 884. You mean that you recommended this method of  
 payment?—A. Oh! no; it had existed previously; I did not  
 recommend it. The resolution—you are mixing up two sub-  
 jects; the mode of payment with the amount payable—the  
 resolution by which I was to be guided in estimating whether the  
 people were able-bodied or not.

Q. 885. The amount of payment was dependent upon the  
 resolution but the method had existed before?—A. Yes I think  
 the amount was rather increased, but I am not sure. It was  
 done to secure a better class of people being imported into the  
 country. This personal investigation by Sir Francis Hincks  
 led to a meeting of the most influential planters in the colony  
 which I was requested to attend; and ultimately led to  
 the resolution of the Combined Court to which I have alluded in  
 1862. That has been the basis and the foundation, and is still, or  
 ought to be, of immigration from India, and the only way of  
 securing a proper body of people being introduced into this  
 Colony.

*J. Crosby.* Q. 886. The President—It is the only way of securing what?  
 31st Aug., 1870. —A. The beneficial introduction into this colony of agricultural labourers fit for employment.

Q. 887. Then, I suppose that if any immigrants are considered unfit for work capitation is not paid?—A. Is not paid. And whenever very highly improper persons—persons afflicted with disease evidently on their embarkation—had arrived, I have invariably recommended that the freight of those persons to this colony should be mulcted from the capitation allowance. In some instances that has been done, and in some few instances the whole ship, by which the Agent has been deprived of any remuneration whatever, because in my opinion the people have been unfit to be introduced into this colony. My reports upon this subject will answer for themselves.

Q. 888. The President—Are you aware that paying the Emigration Agent by capitation allowance is opposed to the Act of the Government of India?—A. No; I am not at all aware of that. It is done entirely, by the resolution of the Combined Court. I shall produce the resolution and the report of the debate in the Combined Court on the subject, and your Honors can refer to them to any extent.

Q. 889. The President—Will you refer to section 12 of the Act. No. 13 of 1864?—

A. I have been very familiar with this Act but strange to say I have never observed that clause. It has not been one which has attended my attention, I reported upon this Act as soon as it came into operation, and pointed out, I think, some defects in it. I need not say that mine has been a very invidious position to occupy, and I have suffered in various ways from it; but that is immaterial.

Q. 890. Sir George Young—With reference to the capitation grant?—A. Yes; I was placed consequently in a very invidious position.

Mr. Cowie—That Act to which reference has been made is the first, and so far as I know the only Act on the subject of Emigration by sea. It was passed subsequently to the time of which Mr. Crosby is speaking—subsequently to the resolution of the Combined Court.

The President—But that circumstance would not authorise the continuance of the practice after the passing of the Act. There

have been Acts in existence since 1839 with regard to emigration, at all events from Madras.

*J. Crosby.*

31st Aug., 1870.

Mr. Cowie—I do not think any Act contains any proviso to that effect; but I am not sure.

Mr. Crosby—No; the late Act does not.

Q. 891. The President—Have you any communication with the Government of India?—A. Yes; under certain rules and regulations.

Q. 892. Sir George Young—Rules and regulations of your office?—A. No; the rules and regulations of the Indian Government. I think the last were passed in 1866, but I will not be sure. They have been amended from time to time. By these rules and regulations certain documents are sent back to the Protector of Immigrants at Calcutta. I can, I think, enumerate them from memory, but I will not be quite certain. The general register: In that every immigrant's name is put, his age, his father's name, the name of his village, and the district from whence he came; and whether in good or bad health at the time of debarkation. That is returned.

Q. 893. Is that one of the documents which are to be kept under the Consolidated Ordinance?—Oh! no; it has no reference to that; it is done under the regulations of India. Unfortunately there is no duplicate of these documents; but the manner in which I record and ascertain everything which goes back to India is a plan of my own. I write in red ink upon the certificate of the immigrant himself his destination and any observations I have to make, and whether the capitulation allowance is made or forfeited. If the age of an immigrant is improperly stated, where there is any other misdescription the register is altered on board ship.

Q. 894. Mr. Mitchell—Is this a register which is forwarded from India?—A. yes; and sent back again. I am sorry there are none now in the Colony.

Q. 895. The President—Perhaps the *Ganges* may bring some?—A. No; she is not bringing immigrants; she is going from here with returning immigrants.

Q. 896. Is she here?—A. She has not arrived yet. She was in England when last heard of; but was coming here to take returning immigrants back to Calcutta. I hope your Honors

*J. Crosby.*

31st Aug., 1870. will visit the ship. If you will do so, you will be very highly gratified I think.

Q. 897. Have you had any correspondence with the Protector of Immigrants?—A. None other than merely a letter announcing that I have sent such and such papers. When I have made any comments upon any circumstances I have never had the gratification of receiving any reply. I have frequently hinted at many matters which I have thought might be improved and have suggested changes; but he has never condescended to reply. Another document also is sent to him: the register of the mortality that takes place during the voyage. That is a return made by the Surgeon Superintendent, corrected at the Immigration Department, by which the names may be known, and it is written in red ink in my own hand, and the register which goes back “died” meaning died on the passage.

Mr. Cowie—The register you speak of is one kept by the Surgeon Superintendent of the vessel?—A. By the Surgeon Superintendent of the vessel.

Q. 898. Sir George Young—The facts in these documents are I suppose to be procured from documents kept under the Ordinance in this Colony although you have no duplicates?—A. It has no relation to the Ordinance of this colony.

Q. 899. But the facts I suppose, are to be obtained from other documents, even though you have no duplicates of the documents?—A. They can be, I am happy to say. The register which goes back is made up of certain certificates; each immigrant has a certificate in red-ink, in my own hand, invariably, that which is written in the red ink containing a description of himself, and on that is written by me, general register which goes back to the Protector of Immigrants; so that if any correspondence should take place upon any question arising on the register, I shall be able to answer it immediately.

Q. 900. These certificates are kept then?—They are all kept, recorded carefully, and docketed. You may see them all if you will visit the department I can pick out any ship you please.

Q. 901. The President—Have you any means of knowing how the protector of immigrants performs his duty? I mean whether well or ill?—A. That I have no means of judging. I have seen a little correspondence between the Government of India and the Protector of Emigrants, and the Agent; and although I have perhaps, no right to say so I have not consi-

dered it in some instances satisfactory. But I cannot speak of the manner in which he performs his duties.

*J. Crosby.*  
31st Aug., 1870.

Q. 902. Sir George Young—You say you have had little correspondence with him?—A. Nothing to be called correspondence.

Q. 903. What was your answer just now? You said you did not consider something satisfactory; was it not with reference to some correspondence?—A. Correspondence in reference to certain transactions, between himself and certain members of the Indian Government and our own Emigration Agent. I do not mean to say that it shows any neglect of duty or anything of that sort, only that it is not so satisfactory to my mind as I could wish. I think you have got that there is a return of the mortality during the voyage by the Surgeon Superintendent. There is also another communication; but that is made to the Under Secretary of the Government of Bengal. In that there is a return of which you will see copies in our office, and in that I invariably set forth such facts in relation to each individual immigrant brought out by each ship, as I think ought to come to the knowledge of the Indian Government.

A 904. Is that a return to the Secretary of this colony?—A. From myself to the Under Secretary of the Government of Bengal. There is a printed form sent out from India for that purpose some eight or ten years ago. It is filled up, and under the head of "Remarks" I invariably set forth so much of my report to the Governor on the arrival of each ship, as I think in my opinion, the Indian Government ought to be aware of; because there are many things which I believe, the Indian Government might correct.

Q. 905. The President—Have you ever received any answer to these or to any correspondence with respect to them?—A. Never. There are two books also kept on board the ship by the Surgeon Superintendent. I think one is called the case book, and the other is called the admission and discharge book. You will therefore observe that there are five documents sent back to India. The general register, the mortality record during the voyage, the Surgeon's case book, and the Surgeon's entry and discharging book are all sent to the Protector of Immigrants; and the other one, the fifth is sent to the Under Secretary. And in addition to that our own Emigration Agent always has forwarded from me direct, a copy of my report to the Governor in order that he may know everything and that the Indian Government may know everything which is done here as well as we do ourselves.

Q. 906. Sir George Young—That form which you say is sent

*J. Crosby.* to the Secretary of the Government of Bengal is a form that was sent out from India, with a column for remarks. Does it contain any other information or is it merely a paper of your remarks?—A. On the first page there is a description of the voyage, the character of the ship and everything of that sort: there is on the other side the weekly abstract, and the Surgeon's remarks, and also the mortality in a condensed form.

Q. 907. So that in fact it is an abstract of the other documents?—A. Yes; and there is an analysis at the end showing how many people embarked, and how many arrived, and consequently the mortality on the voyage as a sort of check; and any remarks which it may be thought necessary for me to make.

Q. 908. The President—Have you ever found immigrants when they arrive here complain of having been deceived?—A. No; I have not, I have heard rumours of it, but I never had complaint of that sort myself; though I have been on board every ship and have personally inspected every individual that has ever come to the Colony, when I have been able to attend to my duty at the Immigration Office.

Q. 909. Are the immigrants that arrive now generally of the class of agricultural labourers?—A. Well, that is exceedingly difficult to answer; I can only judge of their physique. We are not in the habit of asking them whether they are agricultural labourers; we take it for granted that they must be so; that they are informed of that in India which they ought to be. If they are not agricultural labourers they ought not to be allowed to come here under a mis-impression, certainly.

Q. 910. There is an officer in India, a Medical Inspector of Emigrants?—A. I think that is the greatest defect in the whole system.

Q. 911. There being one?—There not being one under the control of his Government, and under the control of our own Emigration Agent. I think that is the greatest defect which exists in the system on the other side of the water, in India. We have no control *de facto*, over the embarkation of immigrants.

Q. 912. Sir George Young—No control over your own Immigration Agent?—A. Oh! yes; but not, I think, upon the Surgeon employed by him. He is a Government official in India and I am very much inclined to think, from the evidence I have taken in one or two cases, that he holds a very high social position and

is not likely to be regulated and kept under control in any way by our Emigration Agent, which he ought to be.

J. Crosby.  
31st Aug., 1870.

Q. 913. The President—You have no control over him whatever?—A. No; I have no control whatever; he is paid by this Colony, I believe; but in what way he is paid I really do not know.

Q. 914. Sir George Young—He is nominated, I perceive, by the Colonial Government?—A. I do not know how he is appointed; I have no knowledge on the subject.

Q. 915. The President—Then it is hardly necessary to ask you whether you consider the work well performed?—A. Well; the only way that I can judge of that is, that in a late investigation before Dr. Shier and myself relative to two ships which arrived here during last season, namely, the *Shand* and *Sophia Joakim*, the evidence showed very clearly and distinctly the manner in which business is done in Calcutta in relation to emigration.

Q. 916. Can you give us a copy of that report?—A. Oh! yes. My handwriting is very bad, but it is at your service. I suppose there could be no objection whatever to your having the original which is in the Government Secretary's Office.

Q. 917. The report is in the Government Secretary's Office?—A. Dr. Shier and myself were the officers appointed to investigate the matter, and we sent in a joint report in respect to each ship. The report upon the *Shand* was drawn up by Dr. Shier, the inquiry in that case being more particularly of a medical character; the report upon the other ship, the inquiry being more particularly of a ministerial character, was drawn up by me. In fact, we drew them together from day to day.

Q. 918. And sent them in to the Governor?—A. To the Government Secretary's Office, where they are now.

Q. 919. I think you said that the report in the case of the *Sophia Joakim* will show very clearly how the work is done in Calcutta?—A. I think so; the evidence showed it distinctly. It is the only clear and distinct evidence we have ever had on the subject. I think these two investigations occupied us seventeen days, and I believe it took Dr. Sheir three or four days to analyse the evidence in one case and to condense it into a report, and it took me three or four days to condense the evidence in the other case into a report.



*J. Crosby.* Q. 920. Sir George Young—In the case of the *Shand* the evidence was chiefly of a medical character?—A. Yes; and in the other it was more of a ministerial character.

Q. 921. The President—I see that lepers sometimes come out in emigrant ships?—A. Sometimes.

Q. 922. Have you any reason to think that was from any neglect on the part of the Medical Inspector?—A. I have never known but one case; and in that Dr. Manget was of opinion that the man must have been leprous at the time of embarkation, the disease was so far advanced. The chief objection I have had has been this: Sometimes on board a ship, women of thirty, forty or fifty years of age have come entirely alone, without any means of earning their subsistence and without any body to support them. Of course they have been perfectly useless. Sometimes they have been sent to estates without any charge being made for them. Sometimes very old people have been sent in the same way.

Q. 923. Sir George Young—Were formal instructions given to the Agent in Calcutta as to the sort of emigrants he should send?—A. Oh! yes, I have given them myself—directions that none other than those who are capable of sustaining the labour of the field for ten years should be sent. And I have sent a form of certificate to that effect to be signed by the surgeon; but, invariably, except with one surgeon, I never can get that form properly filled up. I have sent written instructions by the direction of the Governor which I can refer to, stating the mode to be adopted and the certificate to be filled up; but these certificates never have been filled up except in the case of Dr. Crane, who always insists upon fulfilling my instructions and filling up the certificate; and, I think, young Dr. Pollard, I will not be quite sure. But there are all the documents invariably to speak for themselves.

Q. 924. The President—I understand you to mean the doctors of ships?—A. Yes. When the Surgeon Superintendent inspects the people, the surgeon of the depot is there, and then they "pass" the people. In the evidence taken in the case of the *Sophia Joakim* you will see the manner in which they are passed—evidence on oath, not any mere ascertainment of mine.

Q. 925. Sir George Young—Would not the sending of women, for instance, of middle age, without friends or natural supporters, be a breach of the regulations under which the Agent in Cal-

cutta acts?—A. No ; I have given him instructions from time to time as a sort of guide, but nothing positive ; for this reason : *J. Crosby.*  
*31st Aug. 1870.*  
 sometimes such women are connected with large families —

Q. 926. You say women destitute of natural supporters and without the means of supporting themselves?—Yes ; without the means of support from their own exertions. They are very frequently sent. Not so frequently now as formerly ; but they are still sent because sometimes they have children or friends who would not come without them. When that is the case we receive them and send them to the same estate as their relatives or friends, but do not charge the planters with any expense. They are under indenture, but there is no contract duty charged. In the case of persons partially non-effective, as they are technically called the planters are charged half contract duty ; if totally inefficient none.

Q. 927. Have you any information as to whether the immigrants are from the cities or from the country districts of India ? —A. Yes ; that is always set forth in these registers, and it can be easily traced, because, as I said, their village and the province or town from whence they come is set forth as you will see.

Q. 928. Do many come from the towns ?—A. No ; I think they generally come from a distance in the interior.

Q. 929. But from towns in the interior or from the country districts?—A. Really, I cannot say.

Q. 930. You will perceive that the point of my question is as to their being agricultural labourers. Are they generally from the large towns, in which case they would not be agricultural labourers?—A. I am sorry to say I cannot answer that question very distinctly. They are generally said to come from the country therefore it is to be taken for granted they obtain their livelihood by labour in the fields. I have never met with any disinclination for agricultural labour on the part of the people on board the ships, except now and then in the case of Sepoys, who say they would like to enter the police force, or do something of that kind. But complaints are by no means general of that nature.

Q. 931. Have any instructions been given by yourself to the Emigration Agent in Calcutta to prefer persons from the country districts to those from the towns?—A. No ; that has been left entirely to himself, to his own judgment and discretion. Never



*J. Crosby.* having been in India, or knowing very much about it, I should  
31st Aug. 1870. consider I was a little presumptuous in doing so.

Q. 932. The President—With regard to the Protector of Emigrants, he is obliged to inspect on arrival all vessels bringing returning emigrants and to inquire into the treatment received by such emigrants, especially during the period of their service in the place to which they emigrated, and also during their voyage. Has the result of such an inquiry been communicated to you?—

A. Oh! yes. They have been always most satisfactory. No ship has ever left this colony and arrived in India but gave the greatest satisfaction. I believe that on one occasion the Governor-General himself went on board and was very highly gratified.

Q. 933. And the result of those inquiries has been communicated to you?—A. Yes; by the Surgeon Superintendent of each ship in the report which he is directed to make to me on the arrival of the vessel in India. The highest satisfaction has been invariably expressed; with the exception of the *Gipsy Bride*. On that occasion I was called upon for a specific report. She was a soft-wooded ship and she leaked a good deal.

Q. 934. The inquiry to which I particularly referred was with regard to their treatment in the Colony, not to their treatment on board ship?—A. I do not recollect ever having any report of or any communication respecting any inquiry of that sort. But I have no doubt the Emigration Agent in India would satisfactorily explain that.

Q. 935. It is taking you back rather far possibly, but do you remember the year 1854?—A. That was previous to my appointment.

Q. 936. Yes; I mention it because in that year Captain Biden, the Protector of Emigrants at Madras, did make inquiries from returning emigrants, and in his letter reporting the result he says that the emigrants who returned from Trinidad reported more favourably than those from Demerara. When asked how they had been treated, those from Trinidad said "very well," and those from Demerara "very badly"?—A. I was not aware of that; I don't think I have ever seen that report.

Q. 937. I have not seen any later report; are you aware of any?—A. No; I am not. I have never heard of any dissatisfaction upon that point, certainly; never.

Q. 938. Sir George Young—Immigration from Madras has now ceased, I think ?—A. Entirely.

J. Crosby.  
31st Aug., 1870.

Q. 939. For how long ?—A. I think since 1863. The *Statesman*, I think, was the last vessel. It was very early.

Q. 940. What was the reason of its cessation ?—A. The immigrants bore the voyage very well, but they acclimatised very badly. The losses were so great, in point of fact, to the planters, that it was done away with.

Q. 941. Mr. Mitchell—Are any of those Madras immigrants still under their first term of indenture ? A. No ; none. There are several who still remain on estates and are some of the best laborers in the Colony.

Q. 942. They are under their second term ?—A. They may be under a second or even a third or fourth term. A number went away a year or two ago from the *Albion* estate who had been a most industrious set of people. They have been here about fifteen or twenty years ; and their children were grown up like creoles of the place. You will see by the returns of the Immigration Office the number of Madras people under indenture on estates. That you will easily obtain with certainty from our returns. And the greater portion of the free people, about town are strange, to say, Madrassees.

Q. 943. And in the country as well ?—A. Probably it may be so ; but I am not quite so well acquainted with the country. They locate more in town, I think, than they do in the country. But no doubt there are many of them who have small farms, and keep stock and so forth in different parts of the country.

Q. 944. Are you aware whether there is any difference in savings between the Madras Coolies and those from Calcutta ?—A. No ; I think they are pretty nearly equal. I think that perhaps the Madras people may be said to be a little more saving, a little more careful. But in the reports of the ships as they have left this colony, in each report you will see the number of persons who have made deposits, the amount deposited, and the average of each person. You will see it in an instant, divided between the Calcutta immigrants and the Madras immigrants. I sent in a return about six or seven months ago relative to every ship which had left this colony from 1843 downwards, as far as we had any record, of every sum of money deposited, and the average of each person and the total.

*J. Crosby.*

Q. 945. Is the occupation of each of those persons given against their deposits?—A. Oh! they have invariably been under indenture.

Q. 946. Yes; but their occupation when they left the colony, whether they were working as laborers, or keeping cows or anything else?—A. No: nothing of that sort is done, but you will see in the report we send to India, we give a description of every individual, the port he is shipped to and the amount of his money, as well as everything else.

Q. 947. Sir George Young—Does that return give the particular as to which you were asked—the occupation he was engaged in when he left the colony?—A. No; only the number of years he has been in the colony, his name, age on arrival, and the year of his arrival, which of course shows how long he has been in the Colony. Therefore, when you see the amount of money he takes away you can judge of his habits to a certain extent.

Q. 948. The President—Has the Emigration Agent had any difficulty in recruiting for this colony?—A. Well, he has said so; but I should say that the result of last season proves the contrary.

Q. 949. Has he given any reasons of his finding this difficulty?—A. No; I am not aware of any particular reasons. If the harvest is very favourable he says he thinks the difficulties of his position will be increased; but the great difficulty he has always expressed is getting the proportion of women. The facility of the recruiters appears to me to depend in a very great degree upon the crops and the harvest.

Q. 950. What is the proportion of women now required?—A. The proportion of women by the latest order is as two to one; fifty per cent. But I am happy to say that during the last season there is a greater average than that.

Q. 951. You think there is a greater average?—A. Yes, I think there is, because —

Q. 952. Two to one; that would be about 33 per cent?—A. Yes; it is 33 per cent of the whole of the immigrants. That is where a most egregious error was fallen into a year or two ago; it was supposed to mean thirty-three per cent. or every one hundred men. It was rather an extraordinary thing that the Secretary of State's despatch should be so read.

Q. 953. Mr. Mitchell—Have you received a better class of J. Crosby women or an inferior class owing to this regulation?—A. Oh ! I 31st Aug. 1870. think a superior class.

Q. 954. Even though the per centage is higher?—A. Yes.

Q. 955. Have the men also been of a superior class?—A. Yes ; I have not had the least fault to find during the last season. I think that for some time past it has been the case.

Q. 956. For several seasons?—A. Yes ; for two or three seasons it has been gradually improving.

Q. 957. Sir George Young—Are you able to discover that the name of the Colony is becoming known in the country districts of India, and that that may tend to account for the greater confidence in coming here?—A. No ; I have no means of knowing that.

Q. 958. To what do you attribute the progressive improvement in the sort of people coming here?—A. I think, in reality, I had so repeatedly to report against ships, and have so frequently mulcted the agent, that I think that is the reason.

Q. 959. More care is taken in the office?—A. More care is taken, but not the care which ought to be taken, as you will find from the investigation in the case of the *Sophia Joakim*.

Q. 960. The President—Have you had any more complaints lately that Coolies will go to Mauritius, but will not come here—that they will not go to the West Indies?—A. No ; I have never heard them express any dissatisfaction at coming here.

Q. 961. Not they, but the Emigration Agent ; has he made any report of that kind?—A. No.

Q. 962. Sir George Young—Or of the competition of other Colonies?—A. No ; the Emigration Agent chiefly corresponds with the Emigration Commissioners upon these points. His communications to me are exceedingly brief, only telling me of the despatch of a certain vessel and the number of persons on board, and the name of the surgeon ; very seldom any other letter. Now and then I have had one with regard to the proportion of women for instance, and I have had some on other subjects.

*J. Crosby.* Q. 963. Has your agent in Calcutta ever acted for any other colony as well as this?—A. Yes ; for Jamaica.

Q. 964. He does not at present?—A. Not at present.

Q. 965. Was any objection raised here to his acting for Jamaica as well?—A. No. I believe none by the Government. Sir Francis Hincks was perfectly well aware of it ; and I believe he acquiesced in it.

Q. 966. Mr. Mitchell—Are you aware whether any objection was made in Jamaica?—A. No ; none which I ever heard of. Dissatisfaction I have heard afterwards was expressed.

Q. 967. The President—I think you said you had no communication with the Emigration Agent on monetary affairs?—A. No ; that is now. He writes directly to the Government Secretary ; monetary affairs being under the control, I believe, of the Auditor General.

Q. 968. Sir George Young—Do you know what the total expenses of the establishment in Calcutta come to?—A. No ; I cannot tell you. I have no knowledge or means of knowing except by the annual votes. The Auditor General will be able to give you every information on that subject.

Q. 969. The President—Can you tell whether the Emigration Agent has ever had to refund money to intending emigrants, that is, to people refusing to contract after arriving at the depot in Calcutta?—A. No ; I have never known of anything of that kind. You mean, I suppose, whether they have had their passage back to the place whence they came paid ?

The President—Yes.

Mr. Crosby—I have never known an instance of that sort ; but it would have been better done in a great many cases. I am quite aware of that clause in the Act. I have reported that it ought to be strictly acted upon, as the first expense to this Colony would be the least ; and not run the risk of persons being brought here who were perfectly useless, and must become inhabitants of the eleemosynary establishments of the Colony.

Q. 970. The President—I see that by the Act the Emigration Agent ought to furnish the Master of each vessel with a list specifying the names, ages, and occupations of the emigrants. Is that acted upon?—A. Yes ; that is the general register.

Q. 971. Does that specify the occupations?—A. I do not *J. Crosby.* think it does. No, it does not specify the occupations, if my *31st Aug., 1870.* memory serves me rightly.

Q. 972. But the Act requires that it should?—A. If it be not so in that register, then it certainly ought to be on the certificate; but although I have seen some thousands of certificates, I am sorry to say I cannot recollect whether the occupation is set forth or not.

Q. 973. Mr. Mitchell—Is it entered on the certificate given to emigrants in the depôt?—A. The certificate is not given to him; it is put in charge of the Captain or the Surgeon Superintendent.

Q. 974. No certificate is given to the emigrant?—A. No certificate is given to the emigrant on leaving Calcutta. In emigration from China they invariably put on the back of the certificate what the man says he was in China, and I think I do not exaggerate when I say that the different occupations have amounted to about 150 or 200. There have not been ten per cent. of agricultural labourers from China. I am speaking from memory; but I used to have it made out on the arrival of each ship. Every man's occupation was put on the back of the certificate.

Q. 975. And the number of different occupations you say was?—A. About 150 or from that to 200.

Q. 976. And about ten per cent. only were agricultural laborers?—A. Yes; I think so. They were of all descriptions of persons. Some men described themselves as professed gamblers. I think the one I refer to was made out about 1863, after three or four years. I took it home with the permission of Sir Francis Hincks, and showed it to Mr. Macgregor, who is a sort of chairman of the West India body, and also to Mr. Crum-Ewing and they were immensely struck.

Q. 977. The President—The list of immigrants required by sec. 58 of the Indian Act 13, of 1864, to be sent by the Protector of Immigrants to the Colony comes to you?—A. Yes.

Q. 978. And that is the one filled up?—A. Yes; and it goes back again. The only record I have of it is that you will see in the Department—those certificates upon which I write in red ink—that which is stated upon the face of this document. So that I know with certainty everything that has taken place should any correspondence arise.



*J. Crosby.* Q. 979. Sir George Young—I observe that you are charged  
 31st Aug., 1870. upon the arrival of vessels to ascertain whether the provisions of  
 the Imperial Act are carried out?—A. Yes.

Q. 980. To what does that amount?—A. I see that the ship is properly ventilated, and properly fitted up, and that there are no complaints made with regard to construction and so forth. If there are I report upon it. For instance, in one or two vessels there have been no side ports, or they have been a little low between decks. Whenever I think they are not fit for the transport of immigrants I invariably say so in the report; and if there is any defect I endeavour to find it out.

Q. 981. These Acts require a report of the state of the ship and the deficiencies, if any?—A. Of the state of the ship, the provisions, and the general state of the people, as to health or otherwise.

Q. 982. One of them, I think, is a statute commonly called the Chinese Passengers' Act. In the case of a ship with immigrants from China are there any special provisions? A. I think the provisions are very similar to those of the general Passengers' Acts. There are some special to China, but none which are exceedingly material.

Q. 983. The rules and regulations which you refer to are those under the Ordinances of the Governor General in Council?—A. Yes; in pursuance of that Act. A copy is given to the Surgeon Superintendent for his guidance, and he deposits it with us when he arrives. I think the 42nd and 43rd sections of those rules and regulations are those which I particularly observe in sending back the papers which I have described to the Protector of Emigrants.

Q. 984. Do you happen to know whether that clause of the Act is observed which requires two copies and translations to be on board each ship?—A. Oh! they are observed. One copy is invariably given to the Captain and the other to the Surgeon Superintendent.

Q. 985. And the immigrants have access to it?—A. Well, I do not know that they have; but I dare say that if any application were made to the Surgeon he would comply with the request and give any information.

Q. 986. The President—There should be two copies or translations on board, one of which is to be produced to any emigrant

or passenger who may require it upon every reasonable request *J. Crosby.*  
for perusal?—A. I have never known of any request being made; *31st Aug. 1870.*  
but if they were so instructed on embarkation at Calcutta I am  
quite sure that any surgeon, particularly those that have been in  
the habit of trading here, would at once give any information  
required.

The President—Have you any question to suggest Mr. Cowie?

Mr. Cowie—I should like Mr. Crosby to be asked something  
with regard to the visits of the Sub-Agents.

The President—We have not come to that subject yet; so  
probably it will be more convenient to postpone your question  
until afterwards. Have you any questions to put in regard to  
what has formed the subject of Mr. Crosby's examination this  
morning?

Mr. Cowie—No; nothing occurs to me upon the subject.

The President—Mr. Jenkins, is there anything you would  
like to suggest.

Mr. Jenkins—There is only one question. It has reference to  
an answer which the witness gave to a question as to whether the  
immigrants on their arrival complained of being deceived. I  
would suggest that the witness be asked whether in any of his  
subsequent investigations or conversations with these people any  
of them complained of having been deceived; that is after they  
had had experience in the colony.

Sir George Young—Deceived by what was told them in India?

Mr. Jenkins—Yes.

Mr. Crosby—It has not really come to my knowledge and I can  
not recollect that any such complaint has ever been made to me at  
any time. The time when such complaints would be made, if at  
all, I should say would be on embarkation from this colony  
for India.

Q. 987. The President—On the return of immigrants?—A.  
Yes. I am not thrown so much into contact with the immi-  
grants now as when first I was appointed, and probably the  
Sub-Agents, if they are examined, will be able to give more sat-  
isfactory information on that point than I can. It is possible  
that complaints may be made to them on their visits to estates;  
but I cannot recall to memory at this moment any complaint  
of the kind.

*J. Crosby.*  
 31st Aug. 1870.

**Q. 988.** Sir George Young—Perhaps before we leave this particular subject I may ask whether you have anything else which you wish especially to bring before us with regard to the constitution of the office in India, and the way in which it works in connection with your own office?—**A.** I think a great improvement would be to have a medical man attached to the depot and paid by this colony whose whole time during the Emigration season should be devoted to the service of the depot. I mean that he should examine all persons who are admitted into the depot—that every person on coming to the depot should be examined by the medical man; and if on their first appearance they are totally unfit for emigration to this colony they should be sent back whence they came and no further expense incurred.

**Q. 989.** The President—Sent back at the cost of the department?—**A.** Yes; at the expense necessarily of this Government; which would be checked gradually by restrictions placed upon recruiters, and probably the recruiters fined for sending improper persons. The whole basis of Immigration depends upon the manner in which the recruiters perform their service. I have pointed it out in my reports over and over again.

**Q. 990.** You say “And probably the recruiters fined”?—**A.** They ought to be under rigid control, to bring none but fit persons.

**Q. 991.** The President—They are absolutely under the control of the Emigration Agent in Calcutta, are they not?—**Oh!** yes; they are; but I believe the Protector of Immigrants gives them a certificate, a sort of licence. I think you will find it in the Indian Act of 1864 under the head of “recruiters”; but I have not read that Act for three or four years, and only so much of it as is necessary for me to act upon and I familiar with.

**Q. 992.** Sir George Young—It is possible then for the Agent at present to do that?—**A.** Well, I hardly think it is because the only person who examines them, I believe at the depot on the arrival is what is called the native doctor, he has charge of the depot, under, I believe, the absolute control of the Emigration Agent in some degree under the gentleman who is appointed to inspect and pass the people on their embarkation.

**Q. 993.** Mr. Mitchell—Are not the native doctors called “compounders” in India?—**A.** No; they are a class a little above the compounders. The compounders, as they are called in

India, or dispensers as we call them, mix up the medicines on board the ship. Sometimes they are able to act as interpreters; sometimes there are not. Sometimes they are very respectable men; sometimes on the contrary they are the reverse. But I am sorry to say that very little confidence is to be placed in the native surgeons in the depot. I speak more particularly with reference to certain investigations which have taken place before, especially that in the case of the *Sybil Joakin*, where the whole is detailed.

J. Crosby.  
31st Aug., 1870.

Q. 994. The President—Do you know how the recruiter is paid?—A. No; I do not; I have no knowledge of that.

Q. 995. I ask because you propose to fine him. I see he has to pay ten rupees for his licence and there is no provision for his pay?—A. I do not know how he is paid; I believe he is paid so much a head, and it would be sufficient penalty, I should say, if he were mulcted in the amount he would otherwise receive if the emigrants were rejected.

Q. 996. Sir George Young—That is in fact the rule which you have yourself carried out in this Colony, or which the Colony has carried out with regard to the Agent in Calcutta?—A. It is the mode I have prescribed in particular reports, especially in one or two annual reports, saying everything depends upon the recruiters and the way in which they should be obliged to conduct their business.

Q. 997. The President—Besides that and the appointment of a medical man, is there any other reform of the office in India you would suggest?—A. I think that is the chief. He should be paid by this Government and exclusively employed by this Government during the Immigration season; but he should be not entirely dependent upon the Emigration Agent. He should be, as much as possible for a person in a subordinate situation, independent of the Emigration Agent, because upon him would rest the responsibility for the people being embarked, as to their being physically strong enough and constantly fit to undergo the ten years' service they are bound to undergo in this Colony.

Q. 998. Sir George Young—What is the meaning of the term Immigration Season?—A. It extends from the 1st September in India to the 15th March. During that time there would be always 600, 700, or 800 people probably in the depot; and it requires the attention of a medical man

*J. Croasby.*  
31st Aug., 1870.

daily—a thorough daily inspection of each individual, so that instead of merely seeing them for a moment with the Surgeon Superintendent when they come to be passed, he should have some previous knowledge of the people. And, therefore, some eight or ten years ago I established a system of the Surgeon Superintendent some eight or ten days before each ship sailed, and giving him £1 5s. a day to afford him an opportunity of getting some acquaintance with the people; and I recommended that 5s. a day should be allowed for an interpreter whom the Surgeon Superintendent should himself appoint, in order that the Surgeon might become familiar with the character and appearance of each emigrant before embarkation.

Q. 999. Is any limit placed by the Government of India upon the time within which a ship is allowed to sail?—

A. Yes: I think it is the time I gave—from the 1st September to the 15th March, but I will not be quite sure.

Q. 1000. At all events there is a limit?—A. Oh! yes; there is a limited time.

Q. 1001. Does that time affect in anyway what is found expedient with regard to the arrival of immigrants in this Colony?

—A. I think not. But the earlier they arrive in this Colony, certainly the better. We were very fortunate last year. Four or five ships arrived before the 31st December; sixteen arrived altogether. The earlier they arrive, the greater is the probability of their being successfully acclimatized.

Q. 1002. I see that in the 45th sec. of the Indian Act 18, of 1864, it is stated that—

Emigrants may leave India for any place East of the Cape of Good Hope to which emigration may be lawful under this Act at all times of the year. For any such place west of the Cape of Good Hope, Emigrants may leave only between the 31st of July and the 16th March, unless they embark in vessels using steam power, in which case they may leave at any time of the year.

Have vessels using steam power been employed?—A. Only one; the *Far East*.

Q. 1003. Mr. Mitchell—When did she arrive here?—A. She was the first vessel last season. I think, if I mistake not, she arrived in November. She was the first vessel in the season of 1869-70. There was a Commission on her. I think Dr. Shier and myself were the Commissioners. Oh! no; Mr. Brumell

and myself were the Commissioners ; not Dr. Shier.

*J. Crosby.*

31st Aug. 1870.

**Q. 1004. The President—**What was the object of the Commission?—**A.** The object of the Commission was to make inquiries into the conduct of the Captain and also of the Surgeon. There were charges made in the first instance by the Surgeon Superintendent, and counter charges were made by the Captain of the ship. An inquiry was gone into and then everything connected with the benefit of steam power being employed came slightly under our investigation.

**Q. 1005. Sir George Young—**What was your opinion as to the employment of steam?—**A:** As far as that ship went, it was, I think, disadvantageous. She only had a very small proportion of coal, and could not steam for more than seventeen days. It was all very well for her to get through the Bay of Bengal during the extreme heat, and also the calms that they are subject to. In order to get her through that portion of the voyage it was of course, beneficial ; but she did not make a much more rapid voyage than a great many of the ordinary sailing vessels. I think she made the voyage in 84 days ; but I will not be quite sure.

**Mr. Jenkins—**A question arises from this as to persons suffering from disease, especially syphilitic diseases, the existence of which is often kept secret. I would suggest that the witness be asked what is the proportion of persons suffering under syphilitic disease.

**The President—**I think we should get that better from Dr. Shier.

**Mr. Crosby—**From Dr. Scott, the Health Officer.

**Mr. Jenkins—**Then I would suggest whether to carry out such an examination as that proposed in India some special legislation would not be necessary. I understand there is a disinclination on the part of these people to submit to that examination. It might be necessary to legislate to enable the doctor to examine.

**Sir George Young—**Your question has reference to Mr. Crosby's suggestion, if it should be carried out?

**Mr. Jenkins—**Yes. If they would not submit to such an examination, of course —

*J. Crosby.* Sir George Young—That is rather a remote contingency ; but  
 31st Aug., 1870. we shall probably have an opportunity of going into this subject  
 with regard to those people who arrive in the Colony.

Mr. Crosby—I have advised that an examination shall be made in India, if it be possible, particularly with regard to syphilitic diseases.

Q. 1006. The President—A compulsory examination?—A. No ; I have not been able to point out the mode of examination ; but I know from the surgeons that syphilitic disease is very often exceedingly prevalent in the ships shortly after leaving Calcutta ; and the surgeons have great difficulty in dealing with it, especially in the case of women. The women will not submit to anything like an examination. Strange to say there is a peculiar delicacy and refinement about Indian women, with regard to their persons, which is very difficult to overcome. In this country we have great difficulty in dealing with them. Dr. Scott will give you very valuable information on that subject. The Health Officer invariably accompanies me on board the ships on their arrival, and will tell you how often he has pointed out the necessity of such an examination before embarkation.

Q. 1007. Mr. Mitchell—From the year 1859 to 1865 a good many Chinese immigrants were introduced into the Colony?—A. A great many.

Q. 1008. Several Ordinances were passed in which the conditions of their immigration were specified?—A. No ; that was only in one instance ; and the Ordinance was in point of fact a dead letter.

Q. 1009. I mean the conditions of the indenture under which they were to be introduced to the estates. There is the Ordinance No. 1 of 1860?—A. No. 19 of 1860 regulates the Chinese, if I mistake not.

Q. 1010. Yes ; but No. 1 of 1860 does too, I think. I think No. 17 of 1858 is the first that I have noticed?—A. That is repealed.

Q. 1011. Then there was another passed in 1860, which has also been repealed?—A. Yes. No. 1 of 1860 was intended to amend No. 17 of 1854. The consolidation of all the laws on immigration was very necessary at that time ; but it was thought

unwise to touch the matter then ; consequently No. 1 of 1860 was passed, and then No. 19 of 1860.

*J. Crosby.*

31st Aug., 1870.

Q. 1112. Under No. 1 of 1860 they might terminate their contracts at the end of any year, I believe?—Yes.

Q. 1013. On the payment of their passage money less one-fifth for every year's service?—Yes. I had a separate contract with regard to each shipment.

Q. 1014. Have you the contracts which were drawn in China?—Yes; and I have always acted upon those contracts, whatever legislation was passed here. Whatever the contract was in China we have religiously abided by.

Q. 1015. Were those contracts always the same with regard to wages and food?—A. I think so.

Q. 1016. Could you state what the conditions of the contract were generally?—A. Really I forget the terms of the wages now. I think they were \$4 a month and found. But I would prefer having the indentures here.

Q. 1017. Do you remember without having the indenture before you whether they all stated that the immigrant should be entitled to purchase the remainder of his term of service?—A. Oh! they were all well aware of that, because they exercised that power continually.

Q. 1018. Then there was a short Ordinance, No. 30, of 1862, passed, which I think was repealed by the Act of 1864?—A. That Act was prematurely passed.

Q. 1019. Then under that Act he could never purchase his freedom from indenture?—A. No; I think that Act became a nullity, because under the provisions of the prior Act he could only be indentured for three years certain and five years conditionally. He had the power of changing for the fourth and fifth years.

Q. 1020. Which Act?—A. No. 7 of 1854, which was continued under No. 1, of 1860; that was, as to Indian immigrants; Chinese were regulated under No. 19, of 1860. Some difficulty arose under Act No. 30, of 1862, upon that ground. The question continually arose whether the parties were really indentured for five years under this Act. Some indentures were carried out for five years; but it was practically impossible in all cases, because parties had come to this country previously; and there-



J. Crosby. fore they could only be indentured for three years certain, and  
31st Aug., 1879. two years conditionally.

Q. 1021. Were there ever any disputes between the Chinese immigrants and their employers as to the rate of wages?—

A. Very few, strange to say. There was one, I remember particularly; one which I myself investigated. It was on the *Bel Air* estate; I forget the year. Mr. Gordon, the present proprietor, was then absent; and Mr. Greene was acting as manager of the estate. It was a very singular and a very interesting inquiry. The whole body of Chinese were affected by it.

Q. 1022. The whole body on the estate, or the whole body in the Colony?—A. My reports on the investigation I have no doubt are now in the Immigration Department and might be easily referred to. There was very seldom indeed any difficulty with regard to wages with the Chinese.

Q. 1023. You do not remember the year?—A. No; I think it was in 1863 or 1864. But there have been so many similar occurrences that I cannot recollect.

Q. 1024. It was provided under some of these Ordinances that the immigrants might change the conditions of their indenture, if they liked, before a Magistrate?—A. Yes; there was some regulation of that kind, I believe.

Q. 1025. Did they ever take advantage of that provision?—A. I never knew it acted upon.

Q. 1026. Was it ever acted upon at the Immigration Office?—A. I think not; if it were it was some years ago. And it is just possible it might. I really cannot recollect.

Q. 1027. I believe the immigrants generally work by the task?—A. Generally speaking.

Q. 1028. Did disputes ever arise owing to the Chinamen being paid for seven and a-half hours, without any reference to the task?—A. No; I have never known any question arise as to the period of time.

Q. 1029. Then a man might not complete his task, and yet, according to the conditions of his indenture, he would still be entitled to receive \$4 a month?—A. They worked generally in the same way as the other immigrants.

Q. 1030. Setting aside the conditions of their indentures, they went in and performed their tasks in the same way?—A. There was no distinction, as I understand. The grand criterion in estimating the amount of wages in this country is the value of the labour of the Creole population. That is the gauge. J. Crosby.  
31st Aug. 1870.

Q. 1031. Do you remember why this Ordinance No. 30 of 1862 was passed with regard to the indenture being for five years certain?—A. No; I do not recollect; but I think it was with reference to some resolution of the Court of Policy with regard to doing away with the option as to changing at the fourth and fifth years, and making it for five years certain. I had sent in a very long report showing, in my opinion, that the power of transfer for the fourth and fifth years was a disadvantage both to the employer and immigrant; and I stated there my reasons. I think that in consequence of that report something was done; and this Act was the foundation of it. But this Act was premature. There was a great extent of demoralization throughout the Colony, in consequence of the power of change in the fourth and fifth years. In a report, early in 1864, I gave a description of Immigration from the earliest period, an historical account of it up to that time. No body has ever seen the report, I dare say. I there traced *seriatim* the cause to effect,—the state of the law of this Colony, at all events, from No. 7 of 1854 up to this period and showed its ramifications.

Q. 1032. The President—In what year did you send in that report?—A. I think early in 1864; but I can easily put my hand upon it; my reports are all in the Letter Books, and are deposited, of course, in the Government Secretary's Office. It is mixed up with other matters. It is rather long, and a little tiresome perhaps to read, but it gives an historical account of the legislation on the subject.

Q. 1033. The President—To come back to the Act No. 30 of 1862, how the question arose is rather ambiguous. Was it in consequence of complaints by the Chinese?—A. It never arose from any complaints of the Chinese at all. No. The question arose whether they were really under indenture for five years or were not. For although it had been filled up in their indentures for five years certain, still *de facto* they were only under indenture for three years, and had the right to change for the other two, the same as if this Act had not been passed. In fact the Act became a nullity. After that the Government of England had allowed the option of change for the fourth and fifth years

*J. Crosby.* to be entirely done away with, and then it became positive for 31st Aug. 1870. five years under the Act No. 4 of 1864.

Q. 1034. For all those who were afterwards introduced?—A. Yes; but during the intermediate period each case had to depend upon its own merits.

Q. 1035. And was subject to the contract made in China?—A. This does not refer to China particularly. Nothing could affect the Chinese, but their contracts.

Q. 1036. The contract would be held to supercede that Act?—A. Oh! dear me, yes. I have always held it so. I never would deviate from the contract.

Q. 1037. Even although the contract had been made subsequently to that Act?—A. Yes. There was an Act in 1859 or 1860 but I do not think it ever came into operation.

Q. 1038. You see the point of this. The Act would be taken as an instruction to the agent in China as to the contract; but suppose the case of a contract occurring after the old Act expired and before the new Act reached China, the contract would in all cases have been sustained against the Act?—A. Oh! yes. We should always look to the contract. The Chinese are a very acute, intelligent class of people, as well as it is possible for any one to be.

Q. 1039. Would they have had a legal right in the case?—A. Well, I think they would. Their contract could not be affected by the subsequent legislation fairly.

Q. 1040. Would not the contract have been altogether void as contrary to law?—A. I should say not; being entered into in China. I do not think they were in any way restricted, except by their own acts, as regards payment of wages in the same way as the ordinary labouring population of the country.

Q. 1041. Mr. Mitchell—Then the 9th section of Ordinance 4, of 1864. Did that Act repeal or confirm the conditions of the indentures?—A. Negatively, it entirely operated as a repeal:

“The provisions of Ordinance No. 30 of 1862, shall not be deemed or taken to have applied to immigrants from India and China introduced into this Colony prior to the taking effect of this Ordinance, notwithstanding the terms in which the indentures have been made out, but any such immigrant indentured for five years may, at his option,

have his indenture cancelled at the expiration of the third or fourth year, on the same conditions as if the original indenture had been made for three years only, under the Ordinances in force prior to the taking effect of Ordinance No. 30 of 1862." J. Crosby.  
31st Aug., 1870.

That is exactly what I said from memory. This Act remedied the defect clearly and entirely of No. 30 of 1862. The fact is this Act, No. 30 of 1862, was a most illegal statute--if you may call any statute illegal. The fact is, it was a nullity.

Q. 1042. The Act No. 4 of 1864, was passed more than twelve months after No. 30 of 1862?—A. Yes; but it was two years under consideration. Act No. 4 of 1864 was introduced as far back as 1862.

Q. 1043. Sir George Young—You mean to say it was two years before the Court?—A. Yes. The basis of that Act was drawn by myself, and went to the Attorney-General on the 9th Dec., 1862. But it went through seven different editions before it was passed in 1864. What I mean by seven editions is that it was seven times distinctly altered and changed.

Q. 1044. Then the words in this Ordinance No. 4 of 1864, refer to Ordinance 30 of 1862?—A. Mr. Crosby—You mean section 9?

Sir George Young—Yes?

A. Mr. Crosby—You see it operates as a repeal. The fact is as soon as the Act 30 of 1862, came into operation it was seen to be totally valueless. It could not be acted upon.

Q. 1045. Sir George Young—You do not remember any individual case of hardship arising under that strange deficiency of the law?—A. No; but it gave great difficulty to managers of estates. All the indentures were made out for five years certain, yet under the law Chinese immigrants could be indentured only for three years certain and two years conditionally. A manager would naturally say "Here is my indenture for five years; why should I lose the services of the immigrant for the best years of his time?" And I have no doubt that I was called upon in several instances to explain that it was the law.

Q. 1046. But in all these cases the managers went to the wall?—A. I do not mean to say that there was any opposition to it. Parties at once yielded. They saw that the indenture had in point of fact been inaccurately drawn for five years. But these matters, as you may suppose, have not been present to my

*J. Crosby.* mind for a good many years, and I may be a little inaccurate in some respects; but my statement can be easily rectified by documentary evidence in the Immigration Department.  
*31st Aug. 1870.*

Q. 1047. We may understand then that the contract was carried out in all cases and the statute made to give way?—A. Oh! always; and if the immigrants claimed transfer from one estate to another it was invariably done.

Q. 1048. You do not remember any instance of a Chinese Immigrant complaining that he was illegally prevented from obtaining that transfer?—A. No, never; I do not see how he could be. He could demand it as a right; and if he came to us and paid the money we received it and at once gave him a certificate of freedom, that is freedom from indenture; I do not use the word in any other sense.

Q. 1049. Do you remember hearing it said at the time that a report was spread among the Chinese that they could not claim their rights under the indenture; and that on that ground many abstained from claiming their rights thinking it was of no use?—A. I never heard it. If it had come to my ears I should have taken means to counteract any such impression; and it would have been the duty of the Sub-Immigration Agent to inform them. When they came to the Immigration Department nothing was ever withheld.

Q. 1050. Mr. Mitchell—Do the Chinese as a rule generally earn more than the Coolies?—A. I think so; they are physically a more powerful race. They also exhibit more intelligence in the performance of their labour; they do their work with extreme neatness; and they never require to be told a second time the mode in which they are to perform their labour. I say this in a great degree from personal experience in visiting estates and in investigating questions of wages. The question of wages, of course, is a most important one.

Q. 1051. Were they often employed as skilled laborers where Coolies were not?—A. I believe that in the boiling house they are much employed and in the centrifugals and matters of that sort. In anything requiring skill the Chinese is superior to the Indian. He is, no doubt, superior in intellect and in judgment. The other is a man of stronger and more impetuous feeling.

Q. 1052. What class of persons were employed before this to work the centrifugals?—A. I do not mean to say the employment of Chinese for that work is general; but I had observed it,

and I saw the nicety, the regularity and the method with which they go to work.

*J. Crosby.*  
31st Aug. 1879.

Q. 1053. Then who generally work the centrifugals?—A. I dare say sometimes the Creole laborers, and sometimes Indians. I do not mean to speak with disparagement of the Creole or Indian laborer in that capacity; but I think the Chinese is superior in judgment, in quickness of perception and in steadiness of work.

Q. 1054. Sir George Young—Is it the general desire in the Colony to revive Chinese Immigration?—A. I do not know what those gentlemen possessed of property think on the subject; but if Chinese laborers can be obtained I think they come more closely to the European labour than any other; in fact nearer to the English themselves than any other people I have ever seen at work.

Q. 1055. What is generally understood to have been the cause of the Chinese Government stopping it?—A. The back passage, I believe. And there is this very great evil in Chinese Immigration—the paucity of women; that is a crying evil.

Q. 1056. Sir George Young—Back passage was conceded by the Colony after ten years' industrial residence, was it not?—A. Yes; five years necessarily under indenture; the other five at the disposal of the immigrant himself. He must be here ten years before he gets a certificate.

Q. 1057. What do the Chinese Government require?—A. I believe the Chinese Government require a return passage; I believe that is the chief, almost the only, stipulation they make.

Q. 1058. Mr. Mitchell—After any term of years?—A. I think after five years. But I beg to say I am speaking without any great authority on this subject. I believe that is the moot question between the English and Chinese Governments at this period, and that is the obstacle to the convention being entered into.

Q. 1059. Mr. Mitchell—Have many of the Chinese immigrants returned to China?—A. Very few. A fine body of people returned in the *Ganges* last year. I believe they consisted of a family of eight or ten. The head of the family was one of the most respectable men, as a Chinaman, I have ever seen, and his family were all equally respectable. I believe they deposited over \$2000 for transmission, and they took with them about

*J. Crosby.* \$1500. They paid their own passage, and I believe they deposited \$400 for transmission to our Immigration Agent in India to secure them a passage from Calcutta to Canton. The \$2000 were forwarded to the Chinese Agent at Canton. I may be a little inaccurate in the amounts, as it is only from memory that I speak ; but it was rather an interesting fact.

Q. 1060. Sir George Young—You say very few have returned to China?—A. Very few others. I have sent home two or three in one or two ships. They pay their own passage, and they require money to find their way from Calcutta to Canton. The Chinese are not so saving a race as the Indian immigrants, because a Chinaman lives better ; and spends more of his money in his own sustenance and in indulgences.

Q. 1061. Do they seem as desirous to return as the Indians?—A. I cannot say I have observed any desire on their part to return. Now and then an isolated case has come to my knowledge, but certainly not in any numbers. They may be anxious to return, but I do not know of it.

Q. 1062. You do not know anything further than appears by the applications for returns?—A. No ; I have had a few isolated applications ; but never by any body of persons.

Q. 1063. Then it seems that the number of those who are entitled to return passages and claim them after two years' service is almost infinitesimal?—A. Oh ! they are not entitled to any return passage. They did not come here upon the same terms as the Indian immigrants. They have no claim : that is why they pay their own passages when they do return.

Q. 1064. Mr. Mitchell—Do the Chinese re-indenture readily?—A. Yes.

Q. 1065. Are there many under reindenture now?—A. I cannot tell you from memory, but I think for the most part the great majority of them reindenture. You will see that by the returns made up to the 30th June last. You will there see the actual number.

Q. 1066. How are those generally employed who are not under indenture, but still remain in the Colony?—A. Some of them, I believe, work entirely as free labourers.

Q. 1067. On plantations?—A. On plantations. Some of

them employ themselves differently ; and several, I believe, have gone to the Chinese Settlement up the Demerara River. I do not know how many there are there, but I believe about 200. There is very little other employment for persons who have been agricultural laborers than as agricultural laborers. There are very few other industrial pursuits.

*J. Crosby.*  
8<sup>th</sup> Aug. 1870.

Q. 1068. They do not take to shopkeeping?—A. Not the Chinese very much ; some do. This very man, the head of the family who went away last year, I think, was a shop-keeper somewhere down on the west coast. But the Portuguese as a body are the shop-keepers of the colony, they got possession of the field and no one else can enter it. A very few Indians, a very few Chinese and a very few Creoles have small shops ; invariably Portuguese. They are industrious and economical in their habits, and punctual in their payments generally ; therefore they gain confidence.

Q. 1069. Do you remember whether those who returned prior to last year were shop-keepers or not?—A. Oh ! a great many of them.

Q. 1070. I mean the Chinese?—A. Oh ! you must understand that none others than those have returned scarcely. I do not suppose twenty persons have returned to China altogether since I have held my appointment. We can tell you exactly but if I mistake not that is the outside.

Q. 1071. You do not remember what the other occupations were of those who returned before the last?—A. No ; I really cannot tell you. I probably may be able to trace it from the Department, but I cannot say from memory. They might have made their money by gambling ; they are very great gamblers, and some of the people when not under indenture live entirely by that means. I have known men come to the Immigration Office with \$200 or \$300 in hand, wishing to purchase their entire freedom from indenture ; and on the next day they have come and said they have lost the whole the night before. I am only stating this to show that it is impossible to say how those who have gone back acquired the means of going, with the exception of the family last year, who, no doubt, were industrious and excellent people.

Q. 1072. Sir George Young—Do you know what is the reason of the difference between the positions of the Indians and Chinese with regard to back passages is. What is the reason of the Chinese not being included with the Indians?—A. I imagine



*J. Crosby.* that when the Chinese immigration commenced the inducement to come was quite sufficient without holding out the bait of a back passage. And I think the Chinese Government at that time did not interfere to the extent that the Indian Government does. The Chinese Government are now becoming a little accustomed to the habits and manners of the Western World, and therefore a little initiated or are becoming so.

Q. 1073. Is it understood that the Indian Government will insist upon this provision for a back passage at the end of ten years?—A. I do not imagine that the Indian Government ever would give up that condition. The Indian Government want their own labourers almost as much as we do; they are not likely therefore to give up any restraining influence they possess.

Q. 1074. The President—There are laws in this Colony against gambling are there not?—A. Yes; I believe there are.

Q. 1075. Do you know of any Indians or Chinese having been convicted for keeping gambling houses?—A. No. I am not aware of it. It is possible there may have been such convictions without my having any knowledge of them. There have been convictions of gambling houses, but, whether they were kept by Chinese I do not know. Gambling and opium eating are the two sad traits in the Chinese; very frequently in undermining their power of performing their labour in a satisfactory way. They are two great drawbacks of the Chinese character.

Q. 1076. Are there any opium shops, do you know? or do they do it in private?—A. I am not very well informed on that point. There was an Act passed to regulate the sale of opium, but I have no doubt it has been extensively evaded.

Q. 1077. I mean shops for smoking opium?—A. I have never known anything of them. I dare say the police could inform you on that subject. I have no doubt there are opium establishments here just the same as in Canton and different parts of China.

Q. 1078. Mr. Mitchell—Is it possible for the Coolies or Chinese to obtain grants of land here instead of return passage?—A. No, I regret to say it is not. I think it has been a great oversight and is much to be lamented.

Q. 1079. The President—Is government land for sale?—A. It is, I believe, but at such a price that it is impossible for these people to purchase it.

Q. 1080. Mr. Mitchell—In what quantities?—A. I do not know. I sent in two or three long reports three or four years ago upon that subject. I was requested to point out the mode which I thought the best to be adopted to induce them to remain here. *J. Crook.*  
31st Aug. 1870

Q. 1081. How long ago?—A. About three or four years ago; I was called upon by Sir Francis Hincks upon one or two occasions. I think it was 1865. Nobody ever saw them I believe.

Q. 1082. The President—Do you think the Government of India might object to their purchasing land here?—A. Perhaps so, but I think, as the people are here and have money in their pockets, it would be much more beneficial than their carrying away capital out of the country; and the loss of their labour is most injurious.

Q. 1083. But as the Indian Government object to giving up the back passages, might they not also object to the Coolies purchasing land?—A. I do not know how they could do it. They might say, if you allow them to purchase land, we will not allow you to have any more emigrants; but I think the English Government would interfere and would be too strong for them. I think one or two questions in the House of Commons would very soon settle that question:

Q. 1084. Mr. Mitchell—Do you remember any objections that have been made to their purchasing land, or to grants of land being made to them in lieu of return passage?—A. By whom?

Q. 1085. By the Planter in general or others connected with the Colony?—A. I do not know the opinions of the Planters individually, but I think the proposition has not been favourably entertained by the Court of Policy. I think as legislative body they have been hostile to it.

Q. 1086. The President—You have no seat in the Court of Policy?—A. No; I have not.

Q. 1087. Sir George Young—Would you be eligible for an elective seat?—A. That would entirely depend upon the Government.

Q. 1088. For an elective seat?—A. No, not for an elective seat. I have no property except one house, and if I had the power of being elected, being a public officer, I should be placed

*J. Crosby.* in a very anomalous position ; therefore I should object to being  
1st Aug. 1870. elected.

Q. 1089. Do you know the Act which provides that it shall be lawful for the Governor to make free grants of Crown Lands in favour of the immigrants. I think it is in No. 14 of 1861 ?  
—A. I have not the Act. It is not relative to the working of the immigration system.

Q. 1090. Do you know if that section has ever been acted upon ?—A. Never that I am aware of ; indeed, I regret to say, I was not aware of the existence of the Act.

Q. 1091. I will read the section, it is the 16th of Act 14 of 1861. I see it only refers to immigrants that come to the colony at their own expense ?—A. Then it never has been done.

Q. 1092. No such grants have been made ?—A. No. A great many immigrants have come from other Colonies ; 8,000 I suppose from Barbados alone ; they are registered in the Immigration Department. Out of that number I suppose 400 or 500 have taken bounty ; they are not entitled to back passage, but I have no doubt back passage would be granted to them if they remained here 10 years ; that is to say, I should propose it to the Governor as a matter of policy.

Sir George Young—I think we are rather wandering from the subject of the grants of land.

Mr. Crosby—I beg your pardon ; do not let me divert you from the subject.

Q. 1093. Mr. Mitchell—Have many immigrants obtained possession of land which they have purchased from small proprietors or other people ? A. Oh, yes ; I think there are several in the islands of Leguan and Wakenaam, who have purchased land in a limited way, not to any great extent. That purchase has been from private individuals.

Q. 1094. Sir George Young—Would that Chinese Settlement, of which we have been informed, have been free grants of land under that section ; or rather, I should ask, was the grant of land free ?—A. I do not think it has any reference whatever to it. The Settlement was formed under very peculiar circumstances as an experiment, and I believe the people have no tenure at this moment.

81st Aug., 1870.

Q. 1095. It was a free grant of land?—A. It was given to them; they were chiefly Christians; they had come out in the "Douro," and had all been located at the extreme end of the Colony.

Q. 1096. They came as immigrants?—A. Yes.

Q. 1097. Then they would not come under this section?—A. No.

Q. 1098. Mr. Mitchell—Could they sell that land?—A. Oh! no; they have no title whatever to the land, I believe. I am not speaking very authoritatively on that point, but it can be easily ascertained. I believe I am correct.

Mr. Cowie—On this subject with regard to grants of land, Mr. Crosby has said he believes several immigrants have purchased land from private individuals. I would suggest that he might be asked whether any considerable number of what are called free Coolies, who have worked out their indentures, have not all over the Colony acquired land on which they have built cottages. I am told there are a very considerable number.

Mr. Crosby—It is possible it may be so, but I am not aware of it; it is quite possible it may be so, but I certainly am not aware of it. I think the Sub-Agents who visit all the estates throughout the Colony will be better able to give you information on the subject. I have not been in the habit of visiting estates for the past 8 or 9 years, except specially. I travelled for about two or three years, and then the Immigration Department increased to so great an extent from the number of immigrants introduced that it was quite necessary for me to remain in town.

Mr. Cowie—I would like to ask Mr. Crosby whether he knows, as a matter of fact, that the government price of land is \$10 per acre?—A. Yes, it is; and that is uncultivated land, not drained, and without roads about it, or anything else.

The President—I see the Ordinance mentions \$10 as the price at which land shall be sold.

Q. 1099. Mr. Mitchell—Might a person purchase any number of acres at that rate?—A. I do not believe that there has been a single acre sold. I have never heard of such a thing. The proposition I made was that they should have it for a term of years.

Q. 1100. Sir George Young—A free grant for a term of years?

*J. Crosby.* —A. Yes, upon condition of paying rent after a fixed period, on 31st Aug., 1870. condition of the Colony draining the land, making roads, and making the place habitable.

Q. 1101. Mr. Cowie—Might I be allowed to ask whether Mr. Crosby has any knowledge as to the practice of opium eating beginning to spread among the Indian Coolies?—A. Oh ! yes, I have heard of it as spreading, and it is a very deplorable and demoralizing circumstance. The manufacture of rum toddy from the cocoanut tree is a matter of very extensive practice, and has been for the last four or five years ; and it is very much to be deplored.

Q. 1102. Mr. Jenkins—With regard to the option which the Chinese had of going in upon the ordinary wages like the other immigrants, the witness said they went in willingly on the regular system. I would like to know whether he has any personal and accurate knowledge of the subject. Of course, I ask this with reference to other evidence which I shall have to bring forward hereafter?—A. I had an intimate personal knowledge of these circumstances five or six years ago, but I am sorry to say I cannot call them to my recollection. I may be able to do so. There must be some reports to lead my mind to a satisfactory answer.

Q. 1103. The President—The Sub-Agents may possibly be able to inform us?—A. Yes ; they may possibly.

Q. 1104. Sir George Young—You said the provisions of the indentures made in China were not set so much store by by the immigrants, but that were ready to go in on the ordinary terms?—A. I think they generally dropped into the ordinary mode of payment of wages. I think upon the whole they seemed to prefer it. For instance, I have never known any complaints made upon the subject, and that is the grand criterion I think. Whenever any difficulties have arisen with regard to the Chinese, I have never known this question raised. No complaint has been made to me, or I believe to the sub-agents on their visits to the estates. If there had been I should have known it, because they are bound to enter in their daybooks any transaction of any particular moment, in order to submit them to me on their return.

Q. 1105. The President—There is one question I may ask now on a subject which will come into another part of our inquiry. Has your department any knowledge of the immigrants after they have worked out their indentures?—A. We keep a register of every man, but when their indentures have

expired they are generally lost amongst the general population of the country. We hear of them occasionally, because they sometimes misconduct themselves; they become inmates of the hospitals and other eleemosynary establishments. We watch them as narrowly as we can.

*J. Crosby.*  
31st Aug., 1870.

Q. 1106: But when a man is out of his indenture he is absorbed in the general population?—A. Unless he re-indentures or returns to India. We send a return annually to India on that subject, which is sent out from India and filled up; but in regard to the Coolies not under indenture it is in fact guess work. It is only within the last few years, and even now we do not get the returns made up correctly from the estates and eleemosynary establishments of the country so as to give us a full, perfect, and satisfactory account of every one; we cannot trace them.

Mr. Jenkins—I must ask leave of the Commission to reserve, until the conclusion of this witness's examination, a question with regard to the circumstances under which the Ordinance No. 4 of 1864 was passed.

Sir George Young—We have not reached that subject yet, we shall come to it by and by:

Mr. Jenkins—The only other question I would suggest is that the witness should be asked to explain what he meant, when he said the Chinese re-indentured readily. I wish to know whether he intended to say that they voluntarily and willingly re-indentured, or were obliged to do so from the force of circumstances?—A. As far as I can judge voluntarily, certainly without any apparent compulsion. Whether the circumstance in which the Colony is placed, or whether the circumstances in which the labouring population are placed, are such as to render it almost a necessity for Immigrants once under indenture to re-indenture, is another question. It may be a very important one perhaps in this inquiry, but it is rather a legislative question than a practical one for me to determine. I should know how to handle it elsewhere.

Q. 1107. Mr. Jenkins—By section 55 of Ordinance 4 of 1864, it is provided that in the event of any plantation on which any immigrant may be under indenture, being sold or leased or devolving by inheritance, devise or otherwise, such immigrants shall render the same service to the purchaser, lessee, heir, devisee or other new employer, his heirs, executors, administrators or assign, and for the same term as they would

**J. Crosby.** have been bound to render to their original employer. I wanted to know how that worked, whether it worked any injustice.

**Sir George Young**—Do you mean specially with regard to the Chinese? If not we shall come to it again: the special point of our recent examination has been in regard to the Chinese.

**Mr. Jenkins**—Then I have nothing more to ask.

**Sir George Young**—Is there anything you would wish to suggest, Mr. Crosby, that we have omitted?

**Mr. Crosby**—No, there is nothing. I think it would facilitate you very much, if you would permit me to say so, if on any future occasion you will tell me the points upon which you wish to examine me. I will then bring with me any documents it may be necessary to refer to.

**Sir George Young**—We should scarcely have time to refer to documents here. We will take references to whatever documents you require and refer to them ourselves.

**Mr. Crosby**—Very well, whichever you please; only you must take what I say with some degree of caution, because I speak with some degree of uncertainty. The questions are very multifarious indeed.

The Commission then, at 1.10 adjourned for half an hour.

The Commission resumed at a quarter to two.

**Q. 1108.** **Sir George Young**—What is the constitution of the Immigration Office in the Colony?—**A.** It consists of the Immigration Agent General, the First and Second Sub-Agents; there is also a Third Sub-Agent, who acts as Chief Clerk in the Department; there is a Second Clerk and a Third Clerk; there is a Madras Interpreter, a very efficient person, who acts also as a Clerk; there is a Chinese Interpreter; there is another Madras Interpreter, a youth; and another who is Calcutta Interpreter;—he has lately been promoted to the position, having been formerly Messenger in the Office. He speaks the language, but does not write it.

**Q. 1109.** **The President**—What is the language he speaks?—**A.** The language of the Calcutta people—Hindustani; but he cannot write it. You will be a little surprised, probably, when I tell you that there is not a single person in the Immigration

Department who can translate the Calcutta language correctly. *J. Crossby.*  
 There is only a Madras Interpreter, who is a very intelligent *21st Aug. 1872.*  
 boy indeed, and has acquired the language.

Q. 1110. Sir George Young—Is this Calcutta language the one which is called Bengali?—A. Bengali.

Q. 1111. Mr. Cowie—Perhaps the Commissioners will be kind enough to ask whether it is Hindustani or Bengali?—A. It is Bengali, I think; not Hindustani.

Q. 1112. Sir George Young—Does your remark apply to Hindustani, that there is no one who can translate it?—A. Well you had better examine these people themselves. Probably, I am not so learned as I ought to be. I am aware there are several languages spoken in Bengal; but which is Bengali and which is Hindustani, I am unable to say. I do not pretend to be well up in the matter.

Q. 1113. You mentioned a Chief Clerk, who is Third Sub-Agent; is that when you are withdrawn from the duties of the Office?—A. No; when I am there. The Chief Clerk is in charge of the records of the Department, in respect of those immigrants who are resident in the Colony; and the Madras Interpreter and Clerk, who is a very efficient person,—no, the First Clerk is in charge of the records of arrival, and the Madras Interpreter and Clerk of the records of persons resident in the Colony.

Q. 1114. Then there are three Acting Sub-Agents at all events, as a regular staff?—A. The third Sub-Agent goes occasionally. He was appointed under peculiar restrictions, in consequence of a regulation which was adopted by Sir Francis Hincks in 1866, when I was on the Bench on a previous occasion—adopted in my absence and without my knowledge; and the Third Sub-Agent, therefore, under these circumstances, is restricted simply to going on board ships to sign indentures on the introduction of immigrants, not to be employed in any way with regard to travelling or visiting estates. In the organization of the establishment that is a very important communication. I think it was dated in May, 1866.

Q. 1115. The principal duties of the Immigration Agent-General—can you tell us what they are?—A. Well; it is very difficult to define them. It pervades the whole Department of course. All communications are made to him. All petitions, all matters of every description, all references. All these papers are laid before the Immigration Agent-General. He



*J. Crooby.* then makes his minutes upon them, and they are sent in to the Governor. In the time of Sir F. Hincks, the most minute, the most insignificant note that could possibly be received by the Immigration Agent General, was necessarily sent on in his canister direct to the Governor, comprehending a great deal of very apparently insignificant matter, but which, nevertheless, was not left entirely to the control of the head of the department.

Q. 1116. The President—Are you aware of any reason why Sir F. Hincks entered into such details of the department?—A. I cannot comprehend, but the ground was this: that Sir F. Hincks looked upon the head of the Immigration Department in the light of a Government Secretary, filling the department in the same manner as the Secretaries of State for the different branches of the government of England might be looked upon as the heads of their respective departments. Sir F. Hincks, from an early period in 1867, on his return from leave in England, invested me with all the power and authority, and looked upon me precisely as the Government Secretary of the Colony for that department; consequently I had no reference whatsoever to the Government Secretary's department as it existed. Everything emanated entirely from him as the head of the department; and since every document I believe that goes into the hands of the Government Secretary upon the general administration of affairs is sent to the Governor in his canister, so from the Immigration department every document was sent to the Governor in that canister. I had no communication whatever with the Government Secretary, but always direct with the Governor himself.

Q. 1117. Does that still exist?—A. It still exists, but every insignificant paper is not now forwarded, inasmuch as the present Governor thinks that all matters of detail do not require his interposition in the slightest degree, and the carrying of them out is left entirely in my hands. There is no doubt that 50,000 people nearly being under the control of the Immigration Agent-General, it is a vast responsibility, and that he must know, generally speaking, better than other official persons, the mode in which that duty should be carried out; that is, if he is worthy of the trust reposed in him.

Q. 1118. Sir George Young—Can you give us any idea of what the limits of your independent action in the administration of the immigration system are?—A. That has been very much varied. In the time of my first appointment by Sir Philip

Wodehouse, I had in effect almost the entire controul of the Immigration Department; that is to say, I exercised under all circumstances my own discretion, subject, of course, to the approbation or disapprobation of the Governor. If any difficulty arose, I consulted him; if occasionally his acquiescence and authority under the Act was necessary, I applied to him, but otherwise I was completely as the head of an important department. It so continued during the administration of the Lieutenant Governor, Mr. Walker, in precisely the same way. It so continued in the early portion of Sir Francis Hincks' Government, and the only restraint which I had placed upon me when the Act of 1864 came into operation was, that while previous to that Act I had always been looked upon as the Protector of Immigrants and as the person solely responsible for everything connected with the administration of their affairs, when the Act of 1864 was passed, and section 99 came into operation, then it was held in consequence of certain proceedings being adopted by me —

Q. 1119. Sir George Young—Do you refer to the power to make complaints on the part of immigrants?—A. Exactly—to take legal proceedings if I thought fit. When that Act came into operation, then for the first time my powers became somewhat limited—inasmuch as, probably with great propriety; I am not questioning that, I am only stating facts—the Governor then restrained me from taking any legal proceedings without his express authority.

Q. 1120. Under section 99?—A. That section 99 appeared to leave me to judge discretionarily whether I ought or ought not to take legal proceedings; but in consequence of one or two cases which were brought before the higher Court, in which I appeared, not as Counsel but as representative of the immigrants, there was a degree of restraint put upon me; it was on an occasion when, never exercising the functions of a barrister, but coming to Court in the habiliments of a barrister out of respect to the Court, I appeared, as I did invariably, as the Protector of Immigrants. There were a great many reports by me on the subject. I was very hostile to that sort of restraint, but, of course, being an executive officer, my duty was to bow. I was compelled to do so, and I did it of course. An executive officer has no choice; he must obey the commands of his superior officers whatever they may be; he has no business to exercise any independent action. But I maintain that I ought to have and exercise independent action, being at the head of so respon-

J. Crosby.  
31st Aug., 1870

*J. Crosby.* sible a portion of the Colonial Government, answerable to the Executive if I exercised an unwise discretion, and very much more so if I exercised any imprudent discretion or anything that could bear any bias.

31st Aug., 1870

Q. 1121. Sir George Young—With regard to the subordinate officers of your department—are they under your direction?—A. Yes, they are; but I have no hesitation in saying that in consequence of that communication, made during the period of time when I was on the bench, it disorganized the establishment and made these parties independent of me, who ought to be subordinate to me.

Q. 1122. The President—That was during the year 1864?—A. During the time I was on the bench.

Q. 1123. In 1864?—A. In May, 1866. I not only commented on it personally, but I commented on it very strongly to the Secretary of State himself. I shewed him that it was a complete disorganization of the whole establishment.

Q. 1124. Sir George Young—Was your office recognised as the office of Protector of Immigrants for the Colony?—A. No; I was not called Protector of Immigrants; but under Act No. 7, of 1854, you will see that the powers given, in effect and in reality, caused the Immigration Agent General to be Protector of Immigrants, as much as the Protector of Immigrants in Calcutta; and, therefore, the Immigration Agent was the party to step in on all occasions and under all circumstances for the protection of these immigrants, and to see that they were fairly and justly and properly dealt with.

Q. 1125. The President—Which Ordinance gave you these powers?—A. No 7, of 1854. It was the earliest organization of the system passed by Mr. Wodehouse. By it the Immigration Agent General is protected when he goes on any estate, and is secured from interruption.

Q. 1126. Sir George Young—The duties you refer to of protecting the immigrants, refer in the first place to that of appearing in Court in any important case in which an immigrant was concerned; and in the next place to your duty on visiting estates?—A. That was the accident which gave rise to this restriction, my appearing in Court on those occasions. I appeared in Court in a very important case, in which there had been eleven convictions for assault, and I endeavoured to set the convictions aside.

Q. 1127. The President—Perhaps you can refer us to that case?—A. Yes, I can; the name of the case is Crosby v. Porter—the case which I particularly refer to. I should not like to make any reflection upon the poor man now he is no more. I only say the Magistrate, in my opinion, ought to have sent the case on to the Court above, when there had been eleven convictions against the same individual. I was exceedingly disappointed. I endeavoured to give relief by way of application to what is called the Court of Review here, but such were the trammels of the Act No. 19 of 1856, I was shut out; the Chief Judge of the day decided against me, and of course I yielded to that.

*J. Crosby.*  
31st Aug., 1870

Q. 1128. Sir George Young—Your duty of appearing in Court then may be said to have ceased altogether since then?—A: No; they have not ceased, that was the restraint I received.

Q. 1129. But at present you require an express authority from the Governor?—A. That does not now exist I am happy to say. In the present day the Governor is made acquainted with the facts themselves. I had on my own responsibility taken proceedings in the case, to which I have referred, and in one or two others of which I forget the names, that caused Sir F. Hincks to interpose and to say that no legal proceedings should be undertaken under the 99th clause of the Act without first having his acquiescence, subsequently to that I am bound to say that acquiescence was almost always obtained, indeed, I believe in every case in which an application was made for that purpose. Subsequently to that, on Sir F. Hincks going home and Major Mundy succeeding to the Government, the greatest anomaly took place which could by any possibility exist, which was that instead of the Immigration Agent General being the Protector of Immigrants, the duty was transferred to the police, and the sergeants of police generally represented the interests of the immigrants in the prosecution of cases. The absurdity of that was so great that —

Q. 1130. Sir George Young—Will you explain what was done?—A. That was done in consequence of Major Mundy being of opinion that it was more judicious —

Q. 1131. How was it done?—A. The papers have never been returned to me that gave rise to it.

Q. 1132. I do not want so much what gave rise to it—but what was done? was it by an Ordinance?—A. No; nothing but the interference of the Lieutenant Governor himself. It appeared

*J. Crosby.* on one minute which I have never seen since, which has never been returned to my department, although it ought to have been.  
31st Aug., 1870

Q. 1133. Was that the minute which gave the sergeants power ?  
—A. Yes ; a minute of the same sort was made.

Q. 1134. In any individual case ?—A. Yes ; but it was subsequently invariably followed up during the whole period of Major Mundy's administration, particularly in one most important case which took place on the East Coast, with reference to a prosecution then upon the *Enterprise* Estate.

Q. 1135. It was a complaint referred from your office to the Governor, which came back with instructions that it was to be investigated by the police ?—A. Only the Police investigated, I believe, during the whole of Major Mundy's career ; one or two most important cases took rise from it, but whether they were investigated by the police or not I cannot tell. I am simply stating facts ; I do not draw any inferences or anything else, but leave them to others ; I only wish to state facts.

Q. 1136. The President—Will you mention the names of these important cases and the time at which they occurred ?—A. I really cannot recollect.

Q. 1137. Perhaps by reference you will be able to inform us ?  
—A. The case of the *Enterprise* estate, I very well recollect, and there was an investigation which I made of very great importance on the *Moor Farm* estate.

Q. 1138. It is only the cases that we want ; we will take the particulars from the cases themselves ?—A. There were several cases ; there were some of the description held under certain sections of Act No. 4, of 1864.

Sir George Young—We should hardly have time to go into the cases now.

Q. 1139. Mr. Cowie—Will Mr. Crosby be good enough to give us the date of that *Enterprise* case ?—A. It must have been in the year 1867.

Q. 1140. Sir George Young—While Major Mundy was Governor ?—A. Yes. The whole system was altered.

Q. 1141. How long did that last ?—A. It lasted during Major Mundy's administration of the Government ;

but when Sir Francis Hincks came back I put matters on the former footing. All matters of an insignificant or trifling matter were then proceeded with by myself, or the Sub-Agents in my absence, without reference to the Government; but if it was a matter of the slightest importance, the Governor's opinion was generally taken first; that is to say, if a petition came in, I made a minute on it recommending proceedings to be taken against the parties and it was acquiesced in; such also has been the course of proceeding ever since the present Governor's arrival.

*J. Crosby.*  
31st Aug., 1870

Q. 1142. Your initiating proceedings in Court, you regard as one of the principal of your powers to be exercised for the protection of Immigrants?—A. Yes; it is very important —

Q. 1143. I was not going into the particulars. I am merely trying to arrive at the powers you are authorised to exercise?—

A. I consider the Immigration Agent has now power to institute proceedings of a minor character, but if they involve any leading principle or anything likely to effect the general government, it is forwarded to the Governor, who generally approves.

Q. 1144. Besides commencing these legal proceedings, what other powers can the Immigration Agent General exercise?—A. He has the power in all cases of going upon the estate and investigating every case, and calling before him anyone he chooses. These powers are inherent in himself; he can visit an estate and call whoever he pleases before him and investigate any complaint or charge made either on the part of an employer or an employé. He has full power.

Q. 1145. What can he do then?—A. He goes into these complaints and take evidence.

Q. 1146. And reports I suppose?—A. Yes.

Q. 1147. It was not matters of report that I wanted to arrive at but of independent action?—A. He would generally report the proceedings to the Governor and suggest that legal proceedings should be taken.

Q. 1148. Can the Immigration Agent General of his own authority remove an immigrant from an estate without reference to the Governor?—A. Oh! no.

Q. 1149. Can he make an order as to wages on his own authority?—A. No; he cannot order wages, that must be left entirely to the Magistrate. He can advise,

**J. Crooby.** can express his opinion to the manager or proprietor, and, generally speaking, I invariably find that my suggestion has always been listened to. I have never found any difficulty.  
31st Aug. 1870.

Q. 1150. Has he power to make any orders of the description I am alluding to on his visits to estates?—A. No, he has no power to make any order; he has only power to investigate and act accordingly.

Q. 1151. When the Immigration Agent General is withdrawn from the duties of the office, his place is taken by the Senior Sub-Agent?—A. Yes, it always has been upon every occasion on which I have been absent. I have only been absent on vacation leave three times, and during the ten months I have been on the bench; then the duties were performed by Mr. Gallagher.

Q. 1152. Do his duties as head of the department withdraw him from visiting the estates on these occasion?—A. Yes, it generally does; then the second and third Sub-Agents visit; they move upwards, and there is an additional clerk appointed; each person receives half the pay of the person immediately above, in addition to half his own; that leaves a small sum for a clerk to be appointed *pro tempore* during such absence; but in the case of occasional absence that has not been done, because I have gone home always at the time of the year when comparatively speaking there is very little doing in the Immigration Department.

Q. 1153. Have you ever had occasion to represent that the Immigration Office as short handed?—A. Often.

Q. 1154. How long has the staff remained as it is at present without being increased?—A. I think since 1864. The staff is insufficient for the duties of the department to be properly performed; they can be performed slovenly even now, but they cannot be performed as they ought to be performed. I defy it to be done. I have been in the habit of working nine or ten hours per day, and I have been in the habit of working in the ministerial duties and in the performance of the subordinate work of the office in a manner in which the head of a department ought not to be called on to do. I have often been in my office before daylight in the morning to write my reports.

Q. 1155. The President—Do you think the duties are performed slovenly now?—A. I think they must be performed slovenly; they have been to my knowledge within the last year

or two. I will illustrate it in the way I will describe: During the whole of last year sixteen vessels came to this Colony, and there is not one single immigrant that has received a single certificate of indenture, and even in the year before not one of those who arrived in the six last ships has received a certificate of indenture, although every Indian immigrant in this Colony ought to have either a certificate of indenture, a certificate of industrial service, or a temporary certificate; one or other of those four certificates each immigrant ought to have in his possession.

Q. 1156. The President—And they have not received them?  
—A. They have not received one for the past year and a half. I know it is a vexed question —

Q. 1157. The President—They have not received temporary certificates?—A. No. Excuse me, on arrival they only receive a certificate of indenture. Not one of them on arrival has received that certificate of indenture within the last 18 months, and I have no hesitation in saying that it was quite beyond the power of the Immigration Department to furnish them with it. It was a practical and physical impossibility for the young men to do it. It is said, I regret to say, and I believe by some of the junior members of the department, that they are not necessary, but they are necessary under the Act and they are imperatively necessary to protect the immigrant in his transits about the Colony.

Q. 1158. Sir George Young—You told us that except on special occasions you had not been accustomed to visit estates for the past eight or nine years. Do you consider that a satisfactory state of things?—A. Only on special occasions. I have nevertheless visited many, not during the half yearly official visits, but to investigate particular complaints.

Q. 1159. I want to ask you whether you consider it sufficient that the regular visits should be left to the Sub-Agents?—A. I think the Immigration Agent-General ought to be left to his discretion to go at any moment *impromptu*, suddenly, on any estate from which complaints come, without any warning to go upon that estate at once; but he cannot do that, for he has no means of travelling. No complaints ever arose in this Colony, when I had the necessity of visiting estates, and when I had the command necessarily of means of conveyance. Then I could go at any instant of time.



J. Crosby.

Q. 1160. When you had the necessity of visiting estates?—

A. Yes; when I could go impromptu, on my own responsibility at any instant of time.

Q. 1161. When you had that necessity was it your sole duty to do so?—A. Oh no! I had the duty also of attending to the correspondence and —

Q. 1162. I meant, was it the duty of yourself alone to make official visits?—A. Oh! yes. When first I was appointed Immigration Agent General he only was authorised to visit estates, and it was at that time thought the most important duty which he had to perform; and bear in mind that at that time not one-fourth of the people were under indenture, that there are at the present moment. Yet it was at the time of my appointment under the late Sir Philip Wodehouse probably the most important duty I had, because it led to the organization of the whole system. The system was previously in a state of chaotic confusion

Q. 1163. Were you at that time able to visit the estates in conjunction with the other duties of the office?—A. I did

Q. 1164. In fact you then performed the duties that are now assigned to the Immigration General and the two Sub-Agents?—A. I did; I visited every estate in the Colony twice a year, and I believe there were then 28 more estates in cultivation than there are now.

Q. 1165. With immigrants upon them?—A. Yes, with immigrants upon them. In a report which I sent in sometime ago I stated the precise number.

Q. 1166. The number at present is about 150 is it not?—A. I think about that, 140 or 148, and I think there were then about 74 more in cultivation than there are now; however, by reference to a report which I sent in, I shall be able to state the exact number.

Q. 1167. Is the diminution in number owing to the amalgamation of estates principally?—A. No; it was in one or two instances—

Q. 1168. Then several of these 28 estates are now out of cultivation?—A. Yes; several were coffee estates at Berbice. A great many of the estates which have gone out of cultivation were on the River at Hog Island and Wakenaam, small estates, but nevertheless occupying time in inspection. *Glasgow Estate*

a considerable distance up the River. On Hog Island there were *J. Crosby.*  
two estates, now there are none with immigrants upon them. 31st Aug. 1870

Q. 1169. The amount of duty to be performed by the office has increased with the number of immigrants far more than it has diminished by the falling off in the number of estates?—A. Far more. The introduction of 4,000 or 5,000 people annually must cause a very considerable increase of labour in registering their mortality, the births amongst them, and all those things, with accuracy which ought to be done with certainty. The Statistics of the Immigration Department ought to be as certain as it is possible for anything to be, in order that they may undergo the most searching investigation, before the House of Commons, if necessary. It should be stated when the people are gone, and how their effects are disposed of.

Q. 1170. The salaries of the officials are, I see, voted annually. Has any alteration taken place in them since '64?—A. They have been increased. For instance, when I was appointed, my salary was £700 per year, and I had an allowance of \$1,640 for travelling expenses, which had been voted for my predecessor as an increase of salary; and I had a house free of rent. My emoluments, one way or another, were pretty nearly equal to £1,200 per year. They have therefore gradually diminished in an increased ratio to the increase of work.

Q. 1171. By the President—You say your emoluments were equal to about £1,200 per year?—A. Very nearly. I had £700, I had \$1,640, and I had a house, one of the best in the Colony, which could not have been rented certainly if it had been in a favorable situation, for less than £150. It was not in the most favorable situation, but altogether my emoluments were worth £1,200; after that I was released from travelling and the necessity then, the absolute necessity, for keeping a carriage and horse ceased at present. I have £1000 per year, live in the same house, and pay a rent of £50.

Q. 1172. Sir George Young—You say you were released from travelling; that was on the appointment of the Sub Agents I suppose?—A. The Sub-Agents were directed then to travel in my stead; it was considered that the increase of Immigration was such, and the necessity for my being continually in town, to be referred to by the Governor very frequently was so great that it was thought advisable that I should not visit the estates periodically but only on special occasions.

*J. Crosby.* Q. 1173. You say you were directed, that was by the Governor I presume?—A. It was so; yes.

Q. 1174. How are the travelling expenses of the Sub-Agents paid at present?—A. On the first establishment, they sent in their accounts for travelling; those accounts were checked and audited by me and they were then passed.

Q. 1175. On the first establishment of their travelling. That was after the Act of 1864?—A. When I had ceased to travel, which I think was in 1862, that was the arrangement with regard to the mode of travelling—

Q. 1176. Pardon my interrupting you; then the Sub-Agents were in existence before the Act of 1864?—A. Oh dear yes, under the Act 7 of 1854, there were two resident in town, and the other was at that time resident in Berbice.

Q. 1177. But their duties were not to travel?—A. No, their duties were confined really to clerk work in the office, they were in fact clerks, they were called Immigration Agents, so that in the absence of the Immigration Agent they might sign papers.

Q. 1178. You were saying that the sub-agents sent in accounts which you checked and audited in the first place?—A. Yes, then after that a different arrangement took place, to which I have alluded, before a regulation was made, while I was on the bench in May 1866, by which the Sub-Agents were to act independently of me.

Q. 1179. Were they to make their travels independently of your directions?—A. They could not leave at any other time but when I directed, but they had a grant of \$1500 per year divided between them, therefore they travelled and used this money independent of me, without any control, making any return, or sending in any accounts, or my having any check upon them whatever; and by reference to that very document, I think, the cause will be made apparent with other matters, which created in my opinion the disorganization of the whole establishment. It had a very great influence I think, in preventing the authority and control which I ought to have had at all times. It was certainly an anomaly, for subordinates in any position to be independent of the head of the Department.

Q. 1180. That you speak of as a thing which is now past?—A. That has passed away since the arrival of the present Governor.

Q. 1181. The President—And how are they brought under your control again?—A. They are under my control, as being subordinate officers to me. J. Crosby.  
31st Aug. 1870

Q. 1182. But with regard to their travelling allowance?—A. Their travelling allowance could not be regulated by me; they acted independently in that respect.

Q. 1183. But now?—A. Now when they travel all their accounts are passed by me.

Q. 1184. Sir George Young—As before?—A. As before. The whole matter connected with the travelling of the Immigration Department is still in a very imperfect footing in my opinion; because these young men are obliged to hire, subject to my control, instead of having the means of conveyance at any moment, and I myself, the head of the department, cannot move an inch. The whole basis of it, I think, is infirm. Yet the Immigration Department is the department which ought to stand *per se*.

Q. 1185. Shortly after you were appointed to take charge of the Immigration Office, another official was added to the system, if not to the office, in the person of the Inspector General of Hospitals?—A. Oh! yes; that appointment was entirely in consequence of reports which I had sent in in 1859 or 1860, at the request of Sir Philip Wodehouse. In 1859, I think in the last half of that year, I was requested by Sir Philip Wodehouse to visit every hospital and every house occupied by an immigrant, in addition to visiting the estates, paying bounty and superintending the transfers of the 4th and 5th years of indentureship. I did visit every hospital, and I gave a separate report, very briefly, on the state and condition of every hospital. And I visited every individual tenement occupied by any description of immigrant, whether Indian, Chinaman, Portuguese or Barbadian, in the Colony, with the exception of two estates; and they were flooded, and I could not get there. I went into every room in this Colony inhabited by an immigrant and reported accordingly. That report was the foundation of the appointment of Dr. Shier, one of the most important appointments that was ever made. I stated at the time to Sir Philip Woodhouse that if such an appointment did not take place immigration itself would be jeopardized, and so I believe it would have been if that appointment had not been made.

*J. Crosby.*

31st Aug. 1870. Q. 1186. Did that appointment relieve the office from any particular duties incumbent on it before?—A. It relieved the office to this extent, that it did not render it compulsory on the part of the Immigration Agent General to visit the hospital by way of a scrutinizing inspection, as to which I had reported upon as perfectly useless, because the Immigration Agent General, what did he know about what ought to be the state and condition of a hospital and the necessary appliances.

Q. 1187. That was a duty expressly enjoined on the Immigration Agent-General by the Act of 1854?—A. Yes; it formed one of its duties originally. I think I have Sir P. Wodehouse's note in which he forwarded that bill to me for report and consideration. I was down on the Arabian Coast at that time. In that note he said "This will relieve you of much responsibility," meaning the responsibility of visiting estates' hospitals, and reporting on them—that minute supervision would be done away with by the appointment of Dr. Shier.

Q. 1188. The President—Is Dr. Shier's appointment in any way subordinate to you?—A. I think it ought never to have been subordinate to me; but I think it ought to be attached to the Immigration Department. There has been a great defect, I think, with respect to that, particularly with regard to his reports on individual estates.

Q. 1189. Sir George Young—His reports at present, as I understand from him, go direct to the Government Secretary?—A. Yes they go first of all to the Government Secretary. Hitherto until within the last 6 or 8 months, they have been always sent to me. From the time of Sir F. Hincks's return to the Colony in 1867, until within a short period, those individual reports on each estate were sent to me. Dr. Shier writes his report on this side of the page, I write on the other side my report of what I think ought to be done, in respect of the estate of which Dr. Shier reports. Dr. Shier cannot carry it out executively. Sir Francis Hincks always wrote under my opinion whether he coincided in it; or thought fit to alter it in any way; when he did I wrote accordingly. Then I wrote to the estates to point out what it was necessary to do in pursuance of the report of Dr. Shier. All these reports are most valuable; they ought to be all bound up and minuted with great care so as to be referred to at any moment; for I have no hesitation in saying they will by and by be most valuable documents, for I suppose such another man as Dr. Shier will never appear

in this Colony in the appointment which he holds. The J. Crosby, accuracy, the care, the minute detail, with which he discharges <sup>31st Aug., 1870.</sup> his duty are most admirable.

Q. 1190. The notes which you send to managers of estates, I suppose, contain a quotation from Dr. Shier's reports?—A. Always; and instructions as to what I require to be done; and if those instructions were not complied with I would never let them have a finger and thumb—if they are not complied with, they never get an immigrant from me, and never would.

Q. 1191. With respect to the dwellings upon which Dr. Shier now reports, that was formerly part of the duties of the Immigration Office. Does it remain so still?—A. No; and it never was very distinctly part of the duty of the Immigration Department. I invariably did it myself. I used to make suggestions to say that this house had better be repaired, or that had better be done, and things of that sort. And, generally speaking, I invariably found that any suggestion I made was complied with,—without absolute authority, merely from the influence of my position.

Q. 1192. The President—When these defects were brought to notice by Dr. Shier, and the correction ordered by you, how did you become aware of your orders having been carried out?—A. I was not very frequently quite sufficiently acquainted with it, but I generally had an answer from the manager of the estate. If I had no answer I never gave them any more immigrants; but generally I had an answer to say the directions of Dr. Shier should be complied with. At the next visitation Dr. Shier told me whether they were or were not, and I generally ascertained pretty faithfully whether the directions were or were not complied with.

Q. 1193. Sir George Young—I see in the 97th section of the Consolidated Ordinance of 1864, that it says the Immigration Agent-General “may, at any time,” among other things, “inspect the state and condition of the dwelling-houses and hospital accommodation?”—A. Yes, it does not say “shall;” it leaves it optional. He does or not according to circumstances: It never was a part of the regular duties of the officers, but I used to do it sometimes.

Q. 1194. It gives him the right of entry?—A. Yes.

Q. 1195. Do you consider that these duties are efficiently performed now?—A. I think more efficiently performed by Dr.

*J. Crosby.*  
31st Aug., 1870

Shier than they could possibly be performed by the Sub-Agents, because they have so many other things to do on the estates. Dr. Shier has very much improved the construction of dwelling houses, which is a very important matter indeed. I could not do that, because if I were to pretend to give instructions on such matters they could only be the subject of a smile.

Q. 1196. With regard to the clauses in part 13 of the Ordinance 4, of 1864, clauses 130 and 131, as to the duties of Commissaries and Sub-Commissaries of Taxation in connection with the inspection of dwellinghouses, we understand these sections are at present a dead letter?—A. I think so, I have never heard of their being acted upon.

Q. 1197. They have become so because unnecessary rather than otherwise?—A. I should say rather unnecessary than otherwise. These clauses have reference to the yards and grounds round about the immigrants' houses, the drains being kept open, and such things as the bush, weeds, rubbish &c., round about the immigrants' residences and also round about the hospital being cleared away. Dr. Shier is very particular about everything round about the hospital; he generally has them railed in and the space kept perfectly clean, and I believe he is equally careful with regard to the dwelling houses themselves. Upon that point also these reports used always to come to me, and I made notes upon them.

Q. 1198. Dr. Shier's visits are made every six months. These sections provide for a visit every three months. Would you consider it expedient to have more frequent visits than once in three months with regard to drainage, or would that be sufficient?—A. It would entirely depend upon the character of the manager. If Dr. Shier says anything ought to be done and there is a careful manager, who wishes to do that which is right, he will do it without further compulsion. Generally the influence of Dr. Shier is such that I am inclined to think that he gets his suggestions carried out. And I have up to a late period always written myself what is necessary to be done with regard to dwellings, in the same manner as in regard to what is necessary to be done with respect to the hospitals.

Q. 1199. Do you think it advisable a visit should be made every three months as a general rule?—A. I think it is important frequent visits should be made, but the estates are well conducted.

Q. 2000. The President—As a general rule?—A. Yes.

Q. 2001. Sir George Young—The rules are made for the worst cases not for the best?—A. Yes.

J. Crosby.  
31st Aug., 1870.

Q. 2002. The President—Then you think the visits ought to be made every three months, which it is provided the Commissaries and Sub-Commissaries shall pay?—A. I do not think the Commissaries' visits would be very satisfactory.

Mr. Cowie—That is not quite the question.

Mr. Crosby—If you will permit me to delay answering that question I shall be obliged, as I am not very well versed in it. I think Dr. Shier would answer it with greater propriety, and with a greater probability of satisfaction to yourselves, because you must bear in mind that I only visit estates specially. I do not go periodically now.

Q. 2003. The President—But it is the general question as to whether these drains should be inspected?—A. If you merely mean to go upon the estate and see whether the drains are open, I think they ought to go every three months; but I should wish to avoid any unnecessary interference with the managers with regard to drainage. I think the Commissaries might do that very easily when they go to gauge the rum. When it was well done there never would be any interference, when it was ill done it would be necessary there should be interference. The drainage about the dwelling houses of the people some years ago used to be in a terrible state.

Q. 2004. Sir George Young—Some years ago?—A. Oh! dreadful on the great majority of estates.

Q. 2005. How long ago did that epithet cease to be applicable?—A. It was so when I visited the estates 6 or 7 years ago. I think it is only within the last 3 or 4 years that these great improvements have been made with regard to dwelling houses. It is only since Dr. Shier has had authority to visit the dwelling houses; he has only had it 3 or 4 years, but since then there has been an immeasurable improvement.

Q. 2006. Is any record kept of the number of applications for immigrants which are refused and granted respectively?—A. Oh no; there is no record, but we always have the original documents.

Q. 2007. The original applications?—A. Oh! yes; they are never destroyed;



*J. Crosby.* Q. 2008. Is it a common thing that an application for immigrants is refused?—A. Oh ! they are never refused ; the cases are always investigated. For instance, statements are made and referred to the manager. He gives a very satisfactory explanation, and he is then written to to say whether it is satisfactory.

Q. 2009. The President—You have misunderstood the question I think. Have you never known an application for immigrants to be sent to an estate refused?—A. No, I never knew of a case of refusal.

Q. 2010. Sir George Young—For an allotment of immigrants, I mean?—A. No, unless it was after time—not received before March 12th—then they are refused ; but if there are any estates that do not require the immigrants allotted on their arrival, then those who apply late have a chance of getting them.

Mr. Cowie—Would the Commissioners kindly put the question again ? I understand there have been cases of refusal.

Sir George Young—On the ground of deficiency of accommodation on the estate ?

Q. 2011. The President—Have not immigrants been refused on the ground of a deficiency of hospital accommodation?—A. Oh ! that would be a refusal necessarily. For instance, not long ago, at the *Highbury* Estate, the person applying for them had no accommodation, and could not have them of course. I thought you meant a refusal, supposing the estate was in a condition to receive them. Oh ! no, unless they have their hospitals in good order and their cottages also in good order, immigrants would be refused of course.

Q. 2012. Sir George Young—Is refusal of frequent occurrence?—A. Oh ! no, very seldom.

Q. 2013. An average of one or two a year ? So much as that ?—A. I do not think there are ; I hardly think there is an average of so many. But it is a matter which would make very little impression on me. If persons have not hospital accommodation and houses in proper order, the allotment is refused as a matter of course. I can scarcely imagine a person applying under such circumstances. Where applications are sent in, I tell them they must have their houses in proper order. That is done before the first of March. There might be applications at the Government Secretary's Office for anything I know, but not through me. If

parties were to apply to me who never had immigrants before, *J. Crosby.*  
 the first question I should ask would be, what accommodation *31st Aug., 1870*  
 they had; and if they had not accommodation they would not  
 get them. I should write to say so.

Q. 2014. Have you any statistics or returns in the Immigration Office which shew at any moment what is the accommodation now on the different estates?—A. No; we have not. We have only the reports of Dr. Shier. They have constantly to be referred to by the Immigration Agent-General.

Q. 2015. The reports of Dr. Shier?—A. Yes; for instance if any doubt exists on my mind when the Immigration season begins, of any estate not having answered my letter, I look at once to see the report on the subject—what I have said and written, and act accordingly.

Q. 2016. The President—Are applications for immigrants made to you or to the Government?—A. They sometimes are made to the Government Secretary and sometimes directly to me. As soon as they come into my possession they are recorded instantly.

Q. 2017. They are not necessarily made to you?—A. No; I believe the Act says they shall be made to me; practically they are always sent to me. The 25th clause says that applications may be made in writing to the Governor. They sometimes write to me and sometimes to the Government Secretary.

Q. 2018. Sir George Young—But they are always referred to you?—A. Always.

Q. 2019. Whereupon you require an exact description of the accommodation on the estate?—A. Well, I am sorry to say, that is not carried out with the perfection which it ought to be. I drew up a form some years ago for it to be filled up, but the fact is, it was never done. That is a most important thing, and ought to be done, for unless the Head of the Department has a very considerable amount of discretion, it is impossible for him to carry out all these minute details without a great deal of difficulty.

Q. 2020. Suppose any one applying for immigrants whose ideas of accommodation were different from those entertained in the Office or by the Executive, would there be any check to their obtaining the immigrants?—A. Oh! dear me, yes. Dr. Shier would report accordingly.

*J. Crosby.* Q. 2021. That is to say the matter would be referred in all cases to Dr. Shier?—A. Yes.  
31st Aug., 1870

Q. 2022. Before the application was granted?—A. Yes, we very frequently refer to Dr. Shier for information as to hospitals and dwellings.

Q. 2023. But in the regular working of the system there is no regular reference to him on every application for new immigrants?—A. No, it is only done specially. For instance, I may illustrate it in this way. Last year immigrants arrived in the Colony and they were sent to certain estates by me without knowing that there was not sufficient accommodation; and those immigrants were very improperly put into the hospitals. I never knew it till the report of Dr. Shier came in. If I had known it, they would never have had a single immigrant. I think the name of one estate was the *Mary and Eliza*, but Dr. Shier's report will afford all information; the report upon the individual estates, not his annual report. The annual report only gives a succinct general account. It is the report on the estates which is material, to shew the condition and state of each estate at the time of his visit; that is the important matter.

Q. 2024. Has any notice in your knowledge ever been taken of such a fact as proper accommodation not being provided in compliance with section 25 of the Consolidated Ordinance: "Such employer shall in the application undertake to pay the indenture fees in respect to such immigrants, and to have prepared before their arrival comfortable and sufficient dwelling-house accommodation and suitable and sufficient medical attendance and hospital accommodation for such immigrants?"—A. Well; we are very often obliged to write to parties concerning it, you know. Whenever they make application, I tell them very distinctly—all the leading Attorneys know perfectly well—that it is necessary for them to make these preparations. An occurrence took place last year,—Mr. Hadow, who represents the Colonial Company, Limited, made an application for seventy-five immigrants for the *Friends, Mara*, and *Ma Retraite*. On the commencement of the season he writes and says he does not want more than twenty-five for each estate, but he would be much obliged if I would transfer them to the *Hampton Court Estate*, a very large estate on the Arabian Coast, which had applied for one hundred.

Q. 2025. One of his own estates?—A. One under the same direction. He represents ten; twelve or fourteen estates. I said, "Yes, provided you pledge yourself to provide accommodation, but I cannot promise you the whole one hundred and fifty, and I think two hundred are in general too many to send to one estate during a single year." The requirements for that number of immigrants are too great for almost any one estate. However, the accommodation was ready, and I believe he had from 50 to 100 more than he applied for on that estate, that is, on *Hampton Court*. J. Crosby.  
31st Aug., 1870

Q. 2026. The accommodation was ready?—A. I do not know but he assured me it should be, and I took it for granted. Perhaps I ought not to have done so, but I did take it for granted. I do not think I had any communication to that effect, but I had great confidence in Mr. Hadow's word.

Q. 2027. Mr. Cowie—And Dr. Shier did not come down upon him afterwards?—A. No, I should have known if he had. I was quite alert to it, and I would have stopped them at any moment if I found they had not proper accommodation. If I had had an inkling of that they would not have had a finger or a thumb.

Q. 2028. Sir George Young—My question was, do you remember any notice having been taken of a manager having received immigrants without having provided sufficient accommodation? The case has occurred we hear?—A. I believe cottages were in course of erection on the *Eliza and Mary*; I think they were only in the hospital for a few weeks.

Q. 2029. Was any notice taken by the office of such a delinquency?—A. No, it was in fact remedied before Dr. Shier went on the estate. He only found that it had been so. This question which you are now asking me, I ought to be able to answer, and I ought to have the necessary control; but I am sorry to say I have not; with the present strength of the establishment it is physically impossible.

Q. 2030. Then there is not sufficient control in such matters?—A. No, there is not, and there cannot, but there should be.

Q. 2031. The President—Immigrants who are not immediately found with employment may be sent to the depot, I see (section 39)?—A. That has never occurred, there has always been employment for them. That was done in consequence of at the early period of Chinese Immigration a good many

*J. Crosby.* people, Chinese doctors and that style of people with their families being in the Chinese depot. They occupied the depot for a considerable time, and this clause was introduced, simply to guard against that; to get employment if possible for that class of persons.

31st Aug., 1870

Q. 2032. Sir George Young—By the Consolidated Ordinance I perceive that a Register of immigrants is to be made out and delivered to the Manager of the plantation to which they are allotted on their assignment? A.—Upon their introduction.

Q. 2033. Do you know if the Office is keeping abreast of the work so far as that list is concerned?—A. Oh! yes, that is done; there is first an indenture, then a list is made which is a copy of the indenture, and that is sent to the managers.

Q. 2034. The indenture itself is preserved in the Office, but you say the copies of the indenture have been allowed to get into arrears?—A. No, the certificate; form No. 8, that is the certificate which I mean. The indenture is perfectly useless; it is put in the Office and never looked at, not one half of them are properly signed. This is the indenture on introduction, not those which are done on estates. I want to avoid the necessity of making out that indenture, which is absolutely unnecessary. The Certificate, the Indenture, and the list and other things, all were made evidence, and it would be quite sufficient. The fact was that when the Act was passed, it was only discovered at the termination of the labour of passing the Act that there was no indenture. The Act talked of an indenture all the way through and on the last day it was discovered that there was no indenture in it. The reason was that in the bill which I had prepared and which was the foundation of the Act I had given a description of what the indenture was, and I had made a distinction between persons under indenture and persons under contract of service. That contract of service was a service of six months.

Q. 2035. Were you the original draughtsman of the Act of 1864?—A. I did draft a bill, after a labour of five months uninterruptedly. It was the foundation of this Act; this Act is based upon it.

Q. 2036. The President: And you do not think the Act is an improvement on the Bill?—A. I should not like to give an opinion on that subject but the bill is quite at your service; I have two or three copies of it. I have it as originally drawn, as it

came from my hand originally, and I have also the seven separate editions of it.

J. Crosby.  
31st Aug., 1870

Q. 2037. But you have seen the working of the Act, you drew the bill, and I think you might be able to tell us which you think likely to have worked the best?—A. Well, I am a little diffident on that subject, but I may say this, that I believe a great many imperfections in this Act did not exist in the Bill, and that there is a great deal of machinery which I was anxious to see law in the country which has been omitted from the Act and which I think has been a great disadvantage to it.

Q. 2038. Sir George Young—May we accept that Bill as embodying the result of your opinions on immigration?—A. I shall be very happy; I have two fair copies of it. I did intend to have it printed for my own future information, for I thought I might some day or other frame a still more perfect bill.

Mr. Cowie—Perhaps the Commissioners will ask for the *éditio princeps* as the most perfect, since we have heard of seven.

Q. 2039. Sir George Young—I was going to ask whether you had any opportunity of expressing your views upon the bill during this lengthened period of gestation?—A. No; I had none; you all well know that the original draft of a bill when once it is launched in the legislature will be greatly altered,—improved, most likely by the criticism to which it is subjected, because it is impossible for any man's mind fully to comprehend how a bill will work in operation.

Q. 2040. Was there any report from you upon the bill?—A. No, none whatever, except that I was requested to attend in the Court of Policy during the passing of the bill; and then the bill presented to the Court of Policy was totally different from the one I had drawn. The fact is I repudiated it, and would have nothing whatever to say to it.

Q. 2041. The President—Has your attention been directed to the 57th section of the Act of 1864?—A. I have already described the manner in which this has been acted upon, inasmuch if immigrants are not able-bodied in the opinion of the Health Officer and myself, we charge the planter only \$25, and nothing at all if they are totally incompetent.

Q. 2042. That section is in operation?—A. Oh! yes, and continually acted upon, and a very useful one it is.

Q. 2043. Mr. Mitchell—Will you refer to section 46. Have

*J. Crosby.* you ever changed any indenture for the benefit of an immigrant under that section?—A. No, I never have. I could only do it for his benefit, you will observe. I have no power to alter it otherwise, and, of course, that would depend on the individual himself; as to his wishes, and as I thought best under the circumstances for him.

31st Aug., 1879

Q. 2044. Sir George Young—Was it found necessary during the continuance of the Chinese immigration to have the indentures generally drawn in China?—A. They always were drawn in China in the English language, with a translation into the Chinese language.

Q. 2045. Mr. Mitchell—Were these the only indentures ever drawn in China?—A. These were the only indentures drawn in China itself. I always keep in my drawer one indenture from each ship so that if any question arises I can refer to the indenture itself.

Q. 2046. Sir George Young—All the indentures in each ship were the same?—A. I think they are pretty nearly if not quite the same. I will not be sure, there may be a difference, but the necessity of looking at the original indenture has passed away by efflux of time, because we have had no Chinese shipped here since 1864.

Q. 2047. Mr. Mitchell—With regard to the signing of indentures, were certificates given to the Chinese?—A. We give a list to the managers, but the Chinaman takes his own indenture. We did not give him any certificate, because he took his own indenture.

Q. 2048. Was the term stated in the list?—A. Their indentures were always for 5 years, with provisions for change of residence and commutation.

Q. 2049. Was that provision stated in the list?—A. No, but it was known as a matter of Law.

Q. 2050. Sir George Young—We may seem a little pertinaacious about that curious slip in the Act of 1860, but it is important that we should get to the bottom of it. I want to put one more question, as to the question which you say arose upon the construction of that Act. I want to know whether these lists were filled up in accordance with the Act, or with the terms of the indentures, from which the Act, it seems, varied? You said there was an impression among the Managers after the Act was passed, that they had their immigrants for 5 years cer-

tain, when in fact they had them only for 3 years, with a power of commutation—A. That happened because the list was filled up as if the indenture was for 5 years; therefore, when the Agents said they were indentured only for 3 years, the managers were surprised. The privilege of changing estates had a very demoralising effect, and it created a grumbling feeling. Persons went round about the different estates seducing the immigrants from one estate to another. I do not think it was done by any persons of respectability, but it was done in an under-handed sort of way. That is very fully described in the report which I sent in in the year 1864, and in which I gave a sort of history of immigration,

J. Crosby.

31st Aug. 1870

Q. 2051. The President—Are there any immigrants who are inmates of the public institutions of the Colony under sections 58 Ordinance 4 of 1864. I mean those that are found to be permanently unable to work in less than three months after they came on the estate?—A. Oh! yes, there have been several lunatics for instance and lepers also.

Q. 2052. It is necessary under that section that it should be within three months of their arrival here. Are they all strictly under that?—A. No; sometimes if they afterwards become disabled, even after that period, the estate is released under certain circumstances. By section 59, it is provided that "If any immigrant either from disease or any other cause shall at any time become permanently disabled and unfit to perform labour, the Immigration Agent-General may, with the sanction of the Governor, grant to such immigrant a certificate of exemption from labour; And the Governor may also, if he thinks fit so to do, order any such Indian Immigrant to be provided, at the expense of the said Colony, with a passage back to the port whence such immigrant sailed when in India." That has been done in several cases, generally where persons are incapable of getting their own livelihood and yet are not sent to the Almshouse. They have the means of providing for themselves, and if they choose they are sent back to India. If after three months a person becomes disabled he can be sent back. Last year I sent back two women in one ship, the very same ship they came in, the *Ganges*. They were in fact idiots, and they were sent back. I have done so on more than one occasion when I have found old persons who were incapable of getting their livelihood and wished to return. Several persons have come blind for instance, and wished to be sent back.



*J. Crosby.*  
31st Aug. 1870.

Q. 2053. Sir George Young—Does not that show some neglect on the part of the Agent in Calcutta?—A. That entirely arises in my opinion, from our not having a proper Medical man in the depot there continuously to perform his duties, as I said before; connected with the depot, but not entirely under the control of the Agent, because one should be a slight check on the other. The Surgeon should be a man upon whom this colony can rely for having proper people sent for the labor of the Colony. We should save 25 per cent. upon the whole amount of the immigrants introduced..

Q. 2054. What is the amount of the indenture fee now payable?—A. \$50.

Q. 2055. That has been so I believe for a long period?—A. Yes, ever since my appointment, and the amount on re-indenture is the same; that is, the planter pays \$50 and the Colony \$25. On a rough estimate it is \$75, but it invariably exceeds that.

Q. 2056. The indenture fee is paid by the planter, and the Colony adds a contribution of \$25?—A. Yes; that is what it is estimated at, but whenever there is an excess I do not know how it is appropriated.

Q. 2057. Mr. Mitchell—Is that the whole duty in case of re-indentures?—A. Oh, yes, a planter has nothing to pay except that \$50. If the expenses of Immigration exceed \$75 per head for adults, I am not prepared to say whether the excess is divided proportionately as the \$75.

Q. 2058. Sir George Young—I suppose the Auditor General will give us that information?—A. The Auditor General will be the proper person to tell you that. I think it is done in the same as the \$75 is divided—\$50 paid by the planters and \$25 by the Colony, but there is nothing in the mode in which the accounts appear to be taken which points that out distinctly.

Q. 2059. The President—Will it be convenient for you to attend us on Monday?—A. Friday is at your disposal if you wish it.

The President—Monday will be more convenient, if you will attend at ten o'clock on that day. We intend to examine Dr. Shier to-morrow and we shall then adjourn till Monday, as we have a good deal of leeway to make up.

The Commission then adjourned.

*Sixth day: Thursday, 1st Sept.*

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The Commissioners took their seats at 11 o'clock.

Dr. Shier's examination continued.

Dr. Shier—I have to request of your Honors to allow me to *Dr. D. Shier.* make one or two observations before giving evidence to-day. *1st. Sept. 1870.* I should be very sorry if any wrong impression were conveyed by the evidence which I have given; I beg to state that the answers I gave related chiefly to the hospitals as they now are, and that it has taken many years to bring those hospitals into their present condition. The disposition to improve these hospitals was always evident; and from all the Governors whom I have acted under I always received the utmost support. I wish now to make one or two corrections in the evidence which I gave.

Mr. Cowie—Would the Commission allow me to interpose one question? Dr. Shier said just now there had always been a disposition to improve. I want to know whether he limits that to the Executive authorities or includes the managers of estates?

Sir George Young—I understood it to refer especially to estates' managers.

Dr. Shier—Entirely to the managers. When I say managers, I mean that it is the disposition of managers, proprietors and attorneys alike. You referred me to a particular section of the Ordinance, by which it is provided that the Commissaries of Taxation shall visit the dwellings of the immigrants, I made the reply that so far as that was concerned, it was a dead letter. The expression was a strong one, and I regret that I used it. I ought to have said that so far as I know no such visits are paid. It is possible that such visits are paid, but I am not cognisant of them.

Sir George Young—I think your impression is quite supported by what we heard yesterday from Mr. Crosby.

Dr. Shier—But I am sorry to have used an expression which, on reflection, does not convey exactly my impression.

*Dr. D. Shier.* The President—I don't know whether you said it was entirely 1st Sept. 1870. or almost a dead letter.

Dr. Shier—I am afraid I said it was entirely.

The President—One or two exceptions might only prove the rule.

Dr. Shier—Reference was also made to joint Hospitals, and it was asked whether the mortality on the most distant estate was greater than that on the estate on which the Hospital was placed. My reply to that I don't think was satisfactory. At least on reflection I would now state that there are only about six joint Hospitals, and that they all with three exceptions embrace two contiguous estates. In those where there are three estates the Hospital is on the central one; but the Hospital Return which comes to me does not give each separate estate, but gives it as a whole.

Sir George Young—You gave us with regard to that point some information as to your impression of this system of joint Hospitals. You said that you considered that the average of the cases in the Hospitals, where they were joint Hospitals, was not quite satisfactory.

Dr. Shier—Certainly not.

Sir George Young—I wanted to ask you whether you could take that any further, and say that the rate of mortality was affected by the circumstance?—A. It is obviously so with one exception; the rate of mortality is obviously affected, and that is because only the more serious cases are treated. If the milder cases were treated the number of cases would be in the same ratio as on other estates..

Q. 2060. You mean the rate of mortality in the Hospitals?  
—A. Certainly.

Q. 2061. Not the general rate of mortality. You cannot say that the general rate of mortality on these estates is greater?—  
A. No. I have no evidence to show that. I have only evidence to show that in the cases treated the mortality is greater than on other estates. One central Hospital, however, does not come so much under this remark; that is the Hospital common to plantations *Leonora* and *Anna Catharina*. In that Hospital the average number of cases was treated. I mentioned at the last examination that there were two Estates from which immigrants

had been removed : the one was *New Forest* in Berbice, but of *Dr. D. Shier*. the other I gave a wrong name. That other was plantation <sup>1st Sept. 1870.</sup> *Arthurville* ; I called it plantation *Fredericksburg—Fredericksburg* being the name of a village in front of the estate. You asked the date of such removals. At the time I could not state it. The immigrants were removed from plantation *New Forest* in the year 1861, and from plantation *Arthurville* in 1866.

Q. 2062. The President—With regard to what you were saying about the visits of the Commissaries of Taxation. Do you know, or have you any means of knowing, why they were appointed visitors ?  
—A. I do not. It was only by the Ordinance of 1864 that they were appointed. They were not appointed under the first Ordinance No. 17, of 1859.

Q. 2063. Sir George Young—The Commissaries of Taxation are, in fact, Inspectors of Police, I believe—A. I believe so.

Q. 2064. The President—Then they have quasi qualifications for the work ?—A. I should suppose they are perfectly competent in almost all cases.

Q. 2065. You have Mr. Des Vœux's letter, I suppose ?—A. I have.

Q. 2066. With regard to his remark about house accommodation, in the 65th paragraph I think, we should like to know what your opinion on the subject is ?—A. I have to state that it is only since 1864 that I have been asked to report on these buildings. By referring to the Ordinance it will be found that I am only authorised to inspect and report. I have now to state that an immense addition has been made to the accommodation for immigrants, and that this increased accommodation has been keeping pace with the arrival of immigrants in the colony.

Q. 2067. Sir George Young—Do you say you were only authorised to report upon the houses ?—A. Only so.

Q. 2068. Do you mean to draw a distinction between the way in which you inspect the houses and the way in which you inspect the hospitals in that respect ?—A. With regard to the hospital, I make an entry in the register of the hospital when anything is wrong, and request it to be rectified. With regard to dwellings, I have no authority to make any observations to the proprietor or manager, but I report the state of these dwellings to the Executive.

*Dr. D. Shier.* Q. 2069. You are bound to report to the Executive, but you have a discretion as to making remarks to the managers?—A. I have no authority to do so.

Q. 2070. Section 152, I think, you are referring to. A. Yes. The clause is :—"The Medical Inspector shall, at least once every six months, visit every plantation in the colony upon which indentured immigrants are employed, and shall, at each such visit, carefully ascertain whether all the provisions of this part of the Ordinance have been duly complied with, and shall, in every case of omission or violation of them, direct the manager or the medical practitioner, as the case may be, to supply or remedy such omission or violation within such time as to the Medical Inspector may appear proper; and every such direction shall be given by such Medical Inspector in the form of an entry in the Hospital Register of the plantation; but if any such manager or medical practitioner shall consider that any such direction shall exceed the requirements hereof, it shall be lawful for him or them at any time within one week after such directions shall have been given, to make a representation to that effect to the Governor and Court of Policy, whose decision shall be final, or in non-session thereof that of the Governor alone; and every such Medical inspector shall also inspect the dwelling-houses of the immigrants upon every such plantation and report upon their state and condition, and the state and condition of the yard and grounds round about the same: And such Medical Inspector shall, once in each half-year, transmit to the Government Secretary, for the information of the Governor and the Court of Policy, a full report upon the condition and management of all the hospitals visited by him during the preceding six months, and also upon the state and condition of the dwelling-houses of the immigrants, and the yards and grounds round about the same." And I may state that every willingness has been shown to adopt every suggestion that I have made to the Executive. In one of my reports I recommended the consideration of a particular sort of dwelling.

Q. 2071. The President—Do you recollect which of your reports it was in?—A. It was one of those which you have in your possession. I think it was the 19th.

Q. 2072. The President—It will save trouble if it comes into your statement, even though we are aware of it. You recommended a particular kind of dwelling—A. I did. Dwellings of one story, with single apartments.

Q. 2073. Do you think this preferable to the houses such as *Dr. D. Shiers* the immigrants would build for themselves?—A. If the immigrants would build them of the same dimensions they would be equally good with those I have recommended. 1st Sept. 1870.

Q. 2074. Mr. Des Vœux recommended houses apparently much the same as those which they have in their own country?—A. Those which I recommended are so. Having been in India, I had had an opportunity of seeing what sort of dwellings they lived in there, and the dwellings I recommend are very much on the plan of those I saw there.

Q. 2075. Was your visit to India confined to the towns of Madras and Calcutta, or did you go up the country?—A. I went from Madras. I travelled 700 miles into the interior of the Madras Presidency.

Q. 2076. Could you mention the name of any particular place you went to; Bangalore for instance?—A. I may mention that the districts which struck me most, and from which a very considerable number of immigrants have come to this country, were the districts near Coringa and Masulipatam.

Q. 2077. The houses you recommend are square built?—A. No; they are ranges—each range containing five apartments.

Q. 2078. But I mean square built?—A. Yes; with projecting roof.

Q. 2079. And built on what?—A. A frame laid upon brick pillars: these brick pillars being only eighteen inches in height, and the whole space below filled in with clay.

Q. 2080. And the superstructure?—A. The walls may either be boarded, or consist of what is called wattle and mud.

Q. 2081. And the roofs?—A. They are either shingled or thatched,—each apartment being 10 feet by 14 feet.

Q. 2082. And how high?—A. The upright not less than 8 feet in height, but 10 feet preferable.

Q. 2083. And the flooring?—A. Mud, hard-rammed.

Q. 2084. Is that cow-dunged?—A. Coated with cowdung or clay twice a week.

Q. 2085. Are the walls cow-dunged or white washed?—A. Not the walls,

*Dr. D. Shier.* Q. 2086. Are they whitewashed?—A. If the walls are boarded,  
1st Sept. 1870. they are generally covered on the outside with shingles. If they  
are wattle and mud, then they have a coating of a sort of white-  
wash.

Q. 2087. I am speaking of the inside?—A. Some simply  
boarded, but many are coated with a coating of clay and a sort of  
whitewash.

Q. 2088. And the others—the wattle and dab walls—what is  
the inside of them?—A. Simply wattle and dab in the inside also.

Q. 2089. No whitewash?—A. Oh! very often—almost invari-  
ably whitewashed from time to time.

Q. 2090. Inside?—A. Both inside and outside. At least on  
many estates. I ought to state that this recommendation was only  
made after long observation, and that I had been greatly strength-  
ened in coming to that conclusion by observing the result of  
dwellings erected by the immigrants themselves. That is to be  
seen to the greatest advantage at plantation *Leonora*.

Q. 2091. They have built their own houses there?—A. They  
were allowed as a privilege to build houses for themselves. I  
believe the proprietor afforded them materials.

Q. 2092. And we shall see them there?—A. They are there  
still remaining.

Q. 2093. Sir George Young—Have you gone into the question  
of the expense of erecting these dwellings?—A. I have heard it  
stated. Do you mean those I have recommended?

Sir George Young—Yes.

Dr. Shier—I have heard it stated repeatedly, but I should not  
like, without further consideration, to name the sum; but it is  
pretty uniform throughout—the price at so much a foot. I have  
been told repeatedly what the cost was in different instances.

Q. 2094. Did you hear that they were expensive houses if  
built according to your recommendation?—A. They could build  
cheaper houses than those which I have recommended, inasmuch  
as these are single apartments. If they made them double, the  
same roof would cover a larger amount of space, and in that way  
expense might be saved at the cost of comfort. I ought to men-

tion that with regard to the many two-story dwellings with double apartments above and below that exist in the colony, the proprietors of estates a good many years ago were put to a great expense in erecting these dwellings on plans given by the then Colonial Civil Engineer.

Q. 2095. Do you recollect about the date?—A. It was before I had anything to do with them. I know this fact—it was during the time Sir Philip Wodehouse was Governor here.

Q. 2096. You have had the trouble then of introducing an entirely new description of houses in the place of those which were authorised before?—A. I have. With these two-storied dwellings it was utterly impossible to enforce cleanliness, all the slops and filth being constantly thrown from the windows of the upper storey.

Q. 2097. Have not the upper rooms in the houses some advantage in healthiness?—A. The apartments being double, the ventilation on one side was defective; the windward side was the healthy side, the leeward the unhealthy side.

Q. 2098. But then were the upper rooms more healthy than the lower?—A. I don't know of any difference. I am not aware of any difference. These houses were generally on brick pillars of two to four feet in height.

Q. 2099. Was the space left open underneath?—A. The space was left open underneath, and a nuisance was thereby created.

Q. 2100. President—You have reduced the height of the pillars to 18 inches?—A. Yes, leaving no space below. In those ranges on brick pillars with a space below, the persons who occupied the apartments below generally made holes in the floor, and all the slops and filth were passed into the space below, so that it was one mass of decomposing matter.

Q. 2101. Then those above threw their filth out at windows, and those below made holes in the floor?—A. They did.

Q. 2102. Sir George Young—What measures have you found it possible to adopt to improve these dwellings of the description which you have just given, and which I suppose are very common in the country?—A. They hardly admit of improvement. I have repeatedly pointed out to managers the necessity of keeping the vicinity of these dwellings clean, but it is utterly impossible. The managers could not effect it. I ought also to mention that these dwellings were most conducive to quarrels and disturbances. In



*Dr. D. Shier.* fact, there was often a constant fight between those in the upper 1st Sept. 1870. story and those in the lower. I ought to say constant quarrels.

Q. 2103. President—And 18 inches is sufficiently high to raise the dwellings above the miasma, is it?—A. There is no possibility of damp rising; and although I would prefer having them more elevated, I do not see my way to attain greater elevation with all the advantages which these possess.

Q. 2104. Sir George Young—And the evils of miasma are not so great in this country as to render it necessary to raise them?—A. Well, I have this fact, which very much influences me in recommending these houses—I noticed that in those dwellings which had been erected by the immigrants themselves on *Pln. Leonora*, that positively fewer cases of disease occurred in those dwellings than occurred in the two-storey ranges. That had been noted by the manager, for, I believe, a very considerable time. He was the first to bring it to my notice.

Q. 2105. Who was that manager?—A. Mr. Russell.

Mr. Cowie—Might I introduce one question with regard to the construction of the new sort of houses? whether the rooms are open to the ridge of the roof? I don't think we have had that.

Dr. Shier—Quite open to the ridge—that is, the great majority.

Q. 2106. Sir George Young—You mean you recommend that they should be open to the roof?—A. Yes, with this exception; when a man and his wife occupy the apartment below, I have no objection to a portion being floored, so as to form a sleeping place for the children.

Q. 2107. Above?—A. Above; but only a portion. That has been done in one or two cases, but it is not generally adopted.

Mr. Cowie—Then, Sir, the Doctor might be asked whether on many estates ranges of houses have been built on the new plan. He spoke of a great improvement of accommodation.

Dr. Shier—Yes; on almost every estate in the Colony.

Q. 2108. Sir George Young—When new buildings are to be erected, are you always aware of it before the fact?—A. I know it in this way: I know when I visit the estate how many immigrants have been applied for in the succeeding season, and my inquiry of course is where are they to be housed. If the accom-

modation is sufficient I am told so, and I see that it is so. *Dr. D. Shier.*  
If not, this information is communicated to the Executive.

*1st Sept. 1870.*

Q. 2109. There is no regular means then of your knowing it before the fact, if it is merely the substitution of a new range or an old one. I am not talking of new allotments of immigrants necessarily, but supposing it is intended to substitute new buildings for an old range, which is ruinous. Is that brought to your notice?—A. Almost invariably. The managers are very willing to give information, and will generally point out what they intend to do.

Q. 2110. So that you have always an opportunity of recommending your plan of house building before new ones are built?—A. Yes; or of adopting something better.

Q. 2111. Are any requisites of these houses which are now being built insisted upon by the Executive?—A. The Executive have themselves intimated—I believe in the month of April they sent an intimation to every estate that unless the Executive was informed that there was both sufficient house and hospital accommodation no allotments would be granted. That was issued in April last, immediately after my report was laid before the Governor and Court of Policy. In fact an extract from that report was sent along with these notices.

Q. 2112. Then unless sufficient house and hospital accommodation was afforded no new immigrants would be granted?—A. No allotment would be made until the Executive was satisfied on those points.

Q. 2113. But are any special requisitions as to the building of new houses insisted upon by the Executive?—A. The Executive have refused to allow immigrants to be accommodated in dwellings of two stories with double apartments—that is, they have refused in the case of new allotments.

Q. 2114. No other requisition of that kind?—A. I am not aware of anything else.

Q. 2115. If you understand that double houses or others decidedly faulty are going to be erected, I suppose you intimate that you shall recommend that no future allotment of immigrants shall be allowed to inhabit them?—A. I should do so certainly.

Q. 2116. Are you able absolutely and in every instance to

*Dr. D. Skier.* carry that out so as to prevent new allotments from inhabiting such houses?—A. I am not aware of any new allotments of immigrants being put into such houses of late years.

Q. 2117. Do you know of any faulty houses which, in consequence, stand empty and have not been used?—A. I know several old ranges of dwellings which are in a dilapidated state, and which are uninhabitable.

Q. 2118. I refer to new buildings which are condemned and in consequence not used?—A. Not used for any new allotments of immigrants, certainly.

Q. 2119. You know of such cases?—A. I do

Q. 2120. Is there any means of preventing such houses being filled with immigrants already allotted?—A. The fact is, there is no disposition to erect these two-story dwellings.

Q. 2121. But I am speaking of buildings which have been built in spite of your condemnation. Is there any means of preventing old immigrants from being put into them?—A. I only know one or two instances where two-story building have been erected since I have recommended this new form of dwellings.

Q. 2122. Are these buildings inhabited?—A. One is inhabited—the other is not. One is occupied by Africans.

Q. 2123. That is to say not indentured labourers?—A. They are not now under indenture. They have been, but are now free.

Q. 2124. You are not able under the circumstances to insist or positively to recommend that all these buildings should be condemned as they stand?—A. I have no right to interfere with such a dwelling as that. I have only this in my power, that I can recommend the Government to prevent any new immigrants from being allowed to occupy such a dwelling.

Q. 2125. You have it in your power to recommend that old immigrants shall not be allowed to occupy them, have you not?—A. I don't know that I have any such power; but I know that there is no disposition now to build such dwellings.

Q. 2126. To build them now?—A. No; no such disposition.

At the last inspection which I made I found only one two-story building erected, and it was unoccupied.

*Dr. D. S. Mer.*  
1st Sept. 1870.

Q. 2127. On what estate was that?—A. *La Jealousie*.

Q 2128. Which had been recently erected?—A. Erected recently.

Q. 2129. Since the previous inspection?—A. Since my previous inspection on that estate.

Q. 2130. That building, then, would not be allowed to be occupied by new immigrants?—A. Certainly not.

Q. 2131. I conclude there is no means of preventing its being occupied by unindentured immigrants?—A. It is a good substantial building, and I presume that immigrants who have been acclimated might be comfortable there, provided cleanliness could be observed. But certainly no new immigrants will be ever allowed to occupy that place.

Q. 2132. What is the number of persons which you generally consider proper to occupy a room in buildings as you recommend them?—A. I recommend two to occupy such apartments as I speak of.

Q. 2133. President—Except in the case of a man and wife, is it not better that there should be three people in an apartment?—A. When I say two I mean husband and wife. If they are unmarried people, I see no objection to three occupying it.

Q. 2134. Sir George Young—Are these apartments as large for the most part or larger than the apartments generally assigned to immigrants?—A. There is very great diversity in the size.

Q. 2135. Would they be considered large apartments on an estate?—A. There are many fully as large on estates, and a great many smaller.

Q. 2136. What is the general custom as to allotting immigrants among the rooms, and how many generally occupy a room?—A. On that point I can't give any information.

Q. 2137. Your inspection of the dwellings does not extend to that?—A. It has not as yet done so.

Q. 2138. Do you know if that matter has been examined into

*Dr. D. Shier.* by any other official?—A. I am not aware that it has.

1st Sept., 1870

Q. 2139. Does your inspection of the dwellings amount to ascertaining how many immigrants there is accommodation for on the estate?—A. It has with regard to new allotments. If an allotment is to be made, I am aware how many apartments will be set aside for such immigrants.

Q. 2140. As to the general matter, the amount of accommodation, has not yet been ascertained, you believe?—A. No; I believe not. I know that on many estates there are many vacant apartments.

Q. 2141. President—You have no means of knowing then whether accommodation will be found for the new immigrants by overcrowding the old ones?—A. Oh, no. I have always an opportunity of seeing the ranges in which the new immigrants are to be placed.

Q. 2142. But you have no means of knowing that it will not be at the expense of the old immigrants?—A. That I do know, because I see the new ranges erected.

Q. 2143. Oh! they must be new?—A. They are new—over and above the accommodation on the estate. In the last inspection I made, it will be found pointed out in my report, in respect to almost every estate, what ranges were building—were being erected. On reference it will be found that such buildings were being erected on almost every estate in the colony.

Q. 2144. Then allotments to fill up vacancies caused by death, desertion, and indentures expiring—do they require new buildings also?—A. No; if there were accommodation on the estate, they would not require new buildings. And I should suppose that if a number of immigrants were changing their estate, or taking bounty on a new estate, new buildings would not be required for them, but proper house accommodation of course would be afforded.

Q. 2145. But you must know that there is sufficient house accommodation for them?—A. I have a general idea of that.

Q. 2146. But you cannot tell if a man has lost fifteen Coolies and has applied for an allotment of twenty-five, that the accommodation of the fifteen may not be made to serve for the twenty-five by overcrowding?—A. Oh! no. I take care of that. It is my

province to see that before these allotments are made, there is *Dr. D. Shon.*  
accommodation for them.

1st Sept., 1870

Sir George Young—Not by crowding the others?—A. Certainly not.

Q. 2147. That could not be done?—A. I insist upon seeing what houses these immigrants are to go into.

Q. 2148. Then we are to perfectly understand that one or two of these houses could not be taken away from the old immigrants?—A. Not at all. Until I am positively assured that there is accommodation and I see it, I would not recommend the allotment.

Q. 2149. No doubt you are satisfied there is accommodation : there is accommodation shewn to you for the fifteen, but you have no means of knowing whether that was obtained from the others?—A. Generally speaking, it is new accommodation altogether.

Q. 2150. But if it is not?—A. Well, I am not aware of such a case occurring.

Q. 2151. You never knew of such a case?—A. No ; I do not recollect any such case coming under my observation.

Q. 2152. Have you ever had occasion to notice any obvious instances of over-crowding in the dwellings. I do not mean to notice officially, but whether you have observed them yourself?—A. I know some estates where it appears to me that the apartments are more crowded than on some others.

Q. 2153. Than they ought to be?—A. I am not exactly aware of that, inasmuch as I do not know the exact number of immigrants on the estate and the exact space of each apartment. I know it is the intention of the Government to get a return of the number of apartments and the superficial space of each apartment and the number of immigrants on each estate.

Q. 2154. You have called the attention of the Government to that?—A. I have.

Q. 2155. Lately.—A. Some months ago.

Q. 2156. President—Can you mention when it was?—A. The

*Dr. D. Shier.* subject has been repeatedly talked about, and it is certainly more than five months ago since the first intimation was made by the Government to me on the subject. The subject was also again referred to about a fortnight ago.

Q. 2157. Sir George Young—The intimation given in April last by the Government, which you told us about a short time back, was that unless they were satisfied that both house and hospital accommodation was afforded for the new immigrants, no new immigrants would be allotted, was it not?—A. It was.

Q. 2158. Apart from the fact which you gave us with regard to Pln. *Leonora* of those houses built by the Coolies themselves having suggested improvements to yourself, having been useful in that way, do you think that system has proved successful as a reward to the Coolies?—A. It has been followed on several estates which I could name.

President—We should be glad to know their names.

Dr. Shier—Pln. *Montrose*, *Vryheid's Lust*, *Albion*, *Hape* and *Experiment*, and a few others. I may mention that, with regard to those dwellings, I give as little encouragement as possible to them on account of the difficulty of getting a definite plan followed.

Q. 2159. Sir George Young—You believe that the Coolies in general like it and value the privilege?—A. I know that the dwellings erected on the plan I have recommended are greatly sought after.

Q. 2160. I mean that they value the privilege of erecting dwellings for themselves?—A. When they have got such dwellings as have been recently recommended, I do not know that they will be so anxious to erect dwellings of their own. I, however, state that with considerable reluctance. I am not sufficiently informed on that point as to be able to give information of any value.

Q. 2161. You have noticed ranges of dwellings erected by the Coolies on those plantations on which, I suppose, there are also dwellings erected on your plan?—A. Yes. A good many of those dwellings erected by the immigrants have been left for the new ranges.

Q. 2162. We may say then that the old fashioned ranges were deserted for the extemporised ones, and these again have been in

some measure deserted for the new dwellings?—A. Yes; they have. *Dr. D. Shier.*

1st Sept. 1870,

Q. 2163. Does this plan of allowing Coolies to erect dwellings for themselves tend to scatter the houses over a larger area?—

A. It does to a certain extent. One decided objection to that sort of dwelling is the disposition manifested by the Coolies to have their cattle in too close proximity to their houses.

Q. 2164. They are generally separate dwellings I suppose; not built in ranges?—A. Those erected by the immigrants are separate dwellings chiefly.

Q. 2165. Besides the one room, what further accommodation is general, in the way of kitchens, passages or sheds?—A. I believe that in those ranges I have recommended the roof projects considerably, and in building further such dwellings I shall strongly recommend for adoption a further extension of the roof, so as to afford shade under it, either in front of the house or on the leeward side.

Q. 2166. The cooking is generally done under the eaves?—A. Often under the eaves, but very frequently in the apartment itself. In fact most frequently I should say.

Q. 2167. Are common kitchens often built?—A. The kitchen generally built by the Coolies is a sort of clay oven—a small clay oven.

Q. 2168. In the open air?—A. No; generally speaking in the apartment in which they live.

Q. 2169. Does the proprietor often provide a shed as a sort of common kitchen?—A. Very frequently. But the difficulty is to get them to cook in the shed. I know in many instances ranges of apartments with kitchens—one kitchen to each range, but it is not in one instance out of twenty where the Coolies cook in that kitchen. While you are watching him he may do it, but as soon as your back is turned his pot and fire are removed to his house.

Q. 2170. You are able to say then that if the common kitchens are not used it is not because they are common, but because he prefers cooking in his own apartment?—A. Certainly. The Chinese very frequently use these kitchens.

Q. 2171. Use the common kitchens?—A. Yes; they use such kitchens, I believe, much more frequently than the Coolies do.



*Dr. D. Shier.* Mr. Cowie—Perhaps you would ask whether the Chinese generally are not much more fond of living together and of associating together in common altogether than the Coolies.

Dr. Shier—Oh! Certainly, yes.

Q. 2172. Sir George Young—So that they would have no objection to a common kitchen, because it was common?—A. They would have less objection to it certainly.

Q. 2173. Of course, I am supposing the accommodation to be sufficient?—A. Certainly.

Q. 2174. Of the old houses, are there any old enough to have belonged to the times when slaves lived there on the estates?—A. Not unless those buildings called coffee logies. They may have been extant in the time of slavery—large dwellings of two or three storeys, but I don't know that they were ever occupied by slaves.

Q. 2175. Buildings of two or three stories of this description would, I suppose, be even more objectionable than the double ranges of which you have spoken?—A. Decidedly.

Q. 2176. Are they common?—A. There are a few of them in the Colony—several of them.

Q. 2177. Can you mention any place near Georgetown where they may be seen?—A. There is one on Pln. *Bel Air*. That, however, is about to be pulled down. On the river estates there are several of them. On *Ruimveldt* there are two, and on the opposite side of the river, on Pln. *Klien Pouderoyen*, there is one.

Q. 2178. Is this the worst description of building for immigrants that is common in the Colony—I mean of those of which there are several; I don't mean exceptional cases?—A. On Pln. *Nismes* there is one for example. It is kept uncommonly clean, a person being employed to do nothing else than to keep the passages and alleys in the vicinity of the logie in a thoroughly clean condition. But with all that, so many living under one roof is, I think, objectionable. At the same time I think it would be a hardship to shut up such a building, provided it is kept clean, in thoroughly good order, with a good roof, and the flooring in good condition. I should, however, be very sorry to see any more built.

Q. 2179. Is there any other description of building that you

would wish to call our attention to as common in this Colony?—*Dr. D. Shier.*

A. I think I have drawn your attention to all the different varieties of building. We have the two-story building, erected on two or three feet pillars with double apartments erected many years ago; and we have the coffee logies. Then we have the ranges I have recommended, together with the detached mud dwellings erected by the immigrants themselves.

Q. 2180. We have pretty well exhausted the subject then?—

A. I do not recollect any others.

Q. Mr. Cowie—Are there not also a good many one story houses, which are divided in the middle, are double?—A. Dr. Shier—There are a few, but not many?

Q. President—A few semi-detached?

Mr. Cowie—No, not semi-detached, but in rows, and, unlike Dr. Shier's, divided in the middle so as to have a front and a back room.

Sir George Young—So as to be open to objection with regard to ventilation, though not with regard to the upper story.

Dr. Shier—In such dwellings as Mr. Cowie speaks of the partition runs right from one end of the building to the other, and is carried up to the roof. The consequence is, that in the apartment on the leeward side, the ventilation is very imperfect.

Q. 2181. I observe you speak always of the windward and leeward sides. Are these buildings invariably built so as to have a windward and a leeward side?—A. Generally, but not always.

Q. 2182. It would be more satisfactory if they were so built?—A. It is impossible at all times to secure that. If the dwellings are erected in the form of a square it is obvious one part of the square must face more to windward than the others, but if the apartments are single I don't think the objection is very great. But I prefer that they should be erected as much as possible to face the North East.

Q. 2183. President—You mean the North East to be the windward side?—A. North East would be directly facing the tradewind.

Q. 2184. The North East is the direction of the trade wind?  
—A. Yes.

*Dr. D. Shier.* Mr. Charles Mitchell—Have you any buildings covered with 1st Sept. 1870 galvanized iron?—A. Very few indeed.

Q. 2185. I mean dwellings?—A. Very few.

Q. 2186. Are there any objections to these dwellings?—A. A decided objection to the use of galvanized iron.

Q. 2187. Why do you say the use of galvanised iron is objectionable?—A. Simply on account of the heat immediately under the roof.

Q. 2188. Is this the case with every dwelling covered with galvanized iron?—A. In some cases considerable care has been observed in promoting ventilation immediately under the roof, and the heat in such cases is very considerably modified.

Q. 2189. Then in that case you would say it was not objectionable?—A. I still object to it—a thatched or shingled roof in my opinion being far preferable.

Q. 2190. President—Do you always get information what number of immigrants is applied for?—A. Oh, yes! A printed list is put into my hands before I commence my inspection.

Q. 2191. By the Executive?—A. By order of the Executive. I obtain it from the Immigration Office. It is sent to me from that office.

Q. 2192. We have had no information as to the conservancy of these buildings; the cleanliness of the privies and those things attached to the dwellings. Are there any?—A. Scarcely any that I am aware of.

Q. 2193. Then what arrangements are made?—A. There are no arrangements as far as I know at all. I know that certain managers have the matter under consideration.

Q. 2194. From your visit to India you saw how it was managed in the country villages there?—A. I had very little opportunity of seeing much of them.

Q. 2195. Did you ever observe it in any village?—A. What I observed was exceedingly offensive.

Q. 2196. In India?—A. Yes.

Q. 2197. Is the same plan followed here?—A. Almost identically. *Dr. D. Shier.*

1st Sept. 1870.

Q. 2198. Of course that is all open to very great objection?—A. Very great. But there is perhaps no more difficult department to be dealt with than that. I am aware that from time to time on various estates privies have been erected. I am aware that such is the fact, but I know also that they never could induce the Coolies to make use of them.

Q. 2199. Have they ever tried the earth system, it is called Dr. Moule's system, but Moses prescribed it before—that of digging a trench and filling it with earth?—A. That has not been tried as yet, but I know that those managers who are considering the subject, are obtaining as much information as possible as to the best way of meeting the difficulty. But I can see that in any form the matter will be attended with very considerable difficulty.

Q. 2200. Sir George Young—With regard to water supply. I have noticed in some of your reports which I have had the pleasure of reading, that you mention specially the difficulty of obtaining a supply during the drought. There was considerable difficulty at that time in obtaining water?—A. There was considerable difficulty—the chief draw back in the matter being that the immigrants had to walk a very considerable distance from their dwellings to obtain a supply.

Q. 2201. Sir George Young—May that drought be considered entirely exceptional?—A. Droughts have occurred from time to time. There was a very severe drought in the years 1845-1846, and then a very severe drought occurred in 1868 and in one year between those two periods. I forget which year it was; it was a dry year also, but the drought was not at all equal to that of 1868.—I am informed that it was in 1856.

Q. 2202. That was a dry year?—A. Yes. So that you may almost state that a drought may be expected every ten years.

Q. 2203. In ordinary years is the supply of water ample?—A. The supply of water is very fair—on some estates ample.

Q. 2204. Is it deficient in your opinion on many?—A. There are some estates where water is not so plentiful as I should like to see it.

Q. 2205. Are those estates less favoured by nature than the

Dr. D. Shier. rest, or is it from the omission to adopt precautions which have  
 1st Sept. 1870. been adopted by their neighbours?—A. They are less favoured  
 by nature certainly. The estate I especially allude to is on the  
 Arabian Coast, Pln. *Johanna Cecilia*. However, the proprietor of  
 the estate has gone to the expense of laying down pipes right to  
 the back of the estate where sand hills occur, and the supply is  
 now very much improved. That is, or I should say was, the worst  
 estate that I know in this respect.

Q. 2206. On other estates where the supply is sufficient  
 or ample, is it common that the Coolies have to go a long way  
 for the water?—A. Only in cases of drought does that occur.  
 The water is generally within a very short distance of their  
 dwellings.

Q. 2207. What water is used for drinking purposes?—A.  
 A great deal of it is rain water. There is now much greater ac-  
 commodation if I may so call it for rain water on estates than  
 existed some years ago, and that is increasing year by year.

Q. 2208. Your attention has been officially directed towards  
 recommending measures to improve that?—A. I have recom-  
 mended improvements. I may remark, however, that the trench  
 water in this Colony in almost every instance is perfectly pure  
 for all practical purposes.

Q. 2209. What is specially meant by Savannah water?—A.  
 Savannah water is water that accumulates in the interior behind  
 the back dams of the estates. At least I understand that to be  
 Savannah water.

Q. 2210. When that has been sent for, it is in the time of  
 drought?—A. That is generally brought in most estates down  
 through the property for the supply of water from the back  
 dam. The navigation of the estate is dependent entirely upon  
 such water in most cases.

Q. 2211. I notice in your reports it is mentioned that some-  
 times during the time of the drought punts were sent aback to  
 obtain savannah water, was that because the trenches were dry?—  
 A. No, they were on some estates dry, but on others the water  
 in them may not have been sufficiently good for drinking purposes.

Q. 2212. But it would be water from the same sources as is  
 generally used?—A. Yes. During the drought also there was a  
 very considerable quantity of water brought down the river.  
 droughers were sent up twenty-five miles and brought down car-

goes of water. Hundreds of such cargoes were brought down. *Dr. D. Shier*. They were carried in some instances even to the East and West 1st Sept. 1870. Coasts.

Q. 2213. Mr. Mitchell—Is the water from the sea ever let into these canals?—A. Occasionally, when no other supply can be obtained, it is let into the navigation trenches.

Q. 2214. President—The Savannah water is pure enough for use?—A. Perfectly pure, it has a slight tinge in colour like creek water; very slight, but it is perfectly wholesome.

Q. 2215. Is it within your knowledge that the villages, as I have heard it said, were supplied with water from some estates during the drought?—A. To my certain knowledge they were. I know that a very serious calamity would have occurred had they not obtained a supply of water from the estates.

Q. 2216. Mr. Mitchell—Is there much vegetable matter in the trench water?—A. Very little indeed in the trench water which is used for drinking purposes. Very little indeed.

Q. 2217. Sir George Young—There are a few questions which I wish to put to you, Dr. Shier, in regard to points in the reports which you have made. I must say, in the first place, that it is owing to the extremely business-like, and accurate manner in which they have been kept, that we have been able to lay our fingers on certain points which seem to us to want explanation. Had they not been so kept we should certainly, within the short time hitherto at our disposal, not have been able to do so; and in asking for explanation on certain points we must not be understood as conveying any censure to you or anyone, but merely as desiring information.

Q. 2218. President—Your reports are so very full and so very clear that it is only in parts that information is necessary. Before we can go into that, there is one medical question I want to ask. Is Guinea-worm at all common amongst the immigrants?—A. I never saw an instance of it, never. It has been brought here. I know there are cases on record, but I have never seen it.

Q. 2219. You have never seen an instance occur in the Colony?—A. Never.

Sir George Young—I have taken the liberty of re-arranging some of those reports so as to place the reports which we have had

*Dr. D. Shier.* an opportunity of considering in separate packets relating to each district in the Colony. You will find the 18th, 19th, 20th and 21st inspections for each county separate.

President—It is just one o'clock, we will adjourn for half an hour and commence this subject afterwards.

The Commissioners then adjourned.

The Proceedings were resumed at 1.30.

Q. 2220. President—In this return you gave us of the doctors on estates and the accounts paid them; would it be easy to add opposite the names the amount of hospital accommodation?—A. I can give you here an appendix to one of my reports containing an estimate of the bed accommodation of the hospitals throughout the Colony in the year 1867.

Q. 2221. Has much been added to it since then?—A. So much that at the present time a further estimate is about to be made of the bed accommodation. These estimates have been made from time to time. The first was made in 1862, the next in 1867, and a further one will be made after the next inspection.

A document handed in.

Dr. Shier—I may also mention that it is the document to which I alluded when you asked if the authorities at the Immigration Office had a knowledge of the bed accommodation. It was a copy of that which I made myself and handed to the Immigration Agent General in 1867. I have no further copy of it.

The President—Then I will just add the information I want to the paper you gave us.

Dr. Shier—I have no need of the document immediately, but I take the liberty of mentioning that it is the only copy I have got. There is no doubt there is a copy in the office of the Government Secretary, or ought to be.

Q. 2222. The President—In your report of the Demerara River District, the last inspection, there is Plantation *Houston* you say you would visit again in July; it is rather with regard to the dispenser. What was the result of your visit then?—A. It was my intention to visit again in July, but I have to inform you that from my inspec-

tion being a good deal interrupted by the rains which fell, it *Dr. D. Shier.* extended over a longer time than usual. But that visit will be made *1st Sept. 1870.* before the commencement of the next inspection.

Q. 2223. Then there is *Providence*. There are very serious charges, I think, brought against the manager?—A. That the extended accommodation had not been supplied at the time, but that it was promised.

The President—When we refer back to the former visit we find that things had been promised twelve months then.

Dr. Shier—It had been promised to be erected but was not erected; but they commenced at the time that the Hospital began to be crowded. Accommodation began to be provided under the Hospital; which was to be a temporary arrangement, but as the sickness did not continue it was never occupied. Ample accommodation has since been made.

Q. 2224. You paid the visit there you promised in July?—A. I have not paid a special visit. I have been at the Hospital, but I intend to make another more formal visit.

Q. 2225. You say “the unhealthy season again approaches and the Hospital again becomes crowded”?—A. Certainly; but steps were instantly taken for affording accommodation.

Q. 2226. And you are now satisfied though you have not paid a visit?—A. I have visited, but I have not paid what I call an official visit.

Q. 2227. And you are satisfied?—A. So far. Some slight alterations were still required to be made.

Q. 2228. Sir George Young—There is an entry in one of your reports—I am sorry to say I have not got the reference—with regard to the same plantation, containing a statement which requires some explanation, as to an allotment of immigrants having been made in spite of your having previously represented that the accommodation was not sufficient; and of that having been done more than once?—A. Quite so. I made that statement because the authorities at the Immigration Office had an estimate of the accommodation and it rested with them to make the allotment. Therefore I brought it to the notice of the Executive that such had been reported when I found that the immigrants had been allotted.



*Dr. D. Shier.* Q. 2229. The President—You had brought it previously to the notice of the Executive?—A. No, your Honour. When I found that that allotment, or allotments—for I believe there were more than one—had been made when there was actually insufficient accommodation, I brought it to the notice of the Executive.

Q. 2230. Sir George Young—Have you found that particular entry? It is in one of those four reports on the Hospital accommodation?—A. I have found the passage.

Q. 2231. How long had that state of things—that there was a greater number of immigrants than there was accommodation for, been going on?—A. Only for a short time; it is a new hospital, a comparatively new hospital.

Q. 2232. You are quite sure it was brought to the notice of the Executive after the first allotment of immigrants under the circumstances?—A. I believe this was the first notice that was made of it and the first time when immigrants had been in excess. The hospital was built in 1864.

Mr. Mitchell—I should like to call attention to a somewhat similar case on *Caledonia*. In your report for May, 1870—No I beg your pardon, 26th July 1869.

Dr. Shier—Yes, I find it so.

Q. 2233. Mr. Mitchell—Are you aware whether any formal report of that was made to the Executive, besides your record?—A. The record was there, and that was amply sufficient.

Q. 2234. The record was the only report?—A. The record, of course, contains the history of each hospital from year to year.

Q. 2235. There are several cases mentioned in some of the other reports in which it is stated that although you had given directions as to how houses should be built they had been built in a different direction?—A. They have not adhered closely to my recommendation. I believe it was done in one case purely through ignorance.

Q. 2236. I should like to know if those persons gave any satisfactory reason, or any was given for altering the direction of the building.—A. No satisfactory reason in any of them.

Q. 2237. In none of the cases?—A. No; in none of them; I believe in almost every instance it was done unwittingly.

Instead of facing the north-east, the buildings have been made to face the east.

*Dr. D. Shier,*  
1st Sept. 1870.

Q. 2238. Although you had already mentioned to them the direction in which they should be built?—A. I had already pointed it out, and I know that the Executive intimated dissatisfaction with what had been done.

The President—In plantation *Vive la Force*, in your 20th report, you mention that the medical attendant visited but twice in the week?—A. I do.

Q. 2239. That, I think, is contrary to the law, is it not?—A. It is not in conformity with the law.

Q. 2240. Sir George Young—I think you told us there was but one instance in which you had had much reason to complain of that. Is this the instance you alluded to?—A. No. This one was only of partial duration. This estate was at one time visited three times a week, and from the number of Immigrants having very greatly diminished I presume an attempt to only visit twice a week was had recourse to. But since it was found out it was put a stop to.

Q. 2241. The President—I think the objection made was that the allowance was not sufficient to pay for the wear and tear of a carriage and horse?—A. The Medical Attendant stated that his remuneration was such that he could not afford to visit more than twice a week.

Q. 2242. I think he visited other stations?—A. One within a mile and a half of the hospital.

Q. 2243. On that station I believe he visits daily, does he not?—A. The adjoining one often, and I believe almost daily.

Q. 2244. Then that he could not go to the other was nothing but a frivolous excuse?—A. Oh! no. I don't think the fault was on the Doctor's account at all. There seemed to have been a disposition to underpay the medical attendant, or at least not to give him fair remuneration. The matter was no sooner brought to the notice of the Governor than it was instantly rectified.

Q. 2245. How?—A. By securing his visits three times a week, and I have no doubt remunerating him as he ought to be.

*Dr. D. Shier.* Q. 2246. Does any other Doctor attending an estate get so large an allowance for his attendance to all the estates together as this man?—A. Yes.

Q. 2247. Do any doctors get larger?—A. Oh! yes. There are several medical men in the Colony who get higher salaries than he. There are two at least, speaking from recollection. I do not remember exactly the sum they get, but I know that his is not the largest.

Q. 2248. Is it the proper course for a doctor to pursue who is underpaid to neglect the provisions of the law, or to resign the work?—A. I may mention that the number of immigrants on that estate was comparatively small.

Q. 2249. I mean it as a general question?—A. As a general rule if the medical attendant cannot give the specified number of visits it would belong to the Executive to insist upon the proper attendance.

Q. 2250. But the law insists on proper attendance; there is nothing further necessary than compliance with the law?—A. The law ought to be amply sufficient to enforce it.

Q. 2251. Then ought he to neglect what is required by the law, or to resign the situation?—A. He ought certainly to do his duty—most undoubtedly.

Q. 2252. Sir George Young—The question rather points to this, whether it is a duty incumbent upon the Medical practitioner while retaining the office, or whether the whole responsibility falls upon the manager who may have underpaid him?—A. The Medical Attendant is not a public officer.

Q. 2253. The President—Is he bound to obey the law?—A. He is bound to obey the law under a penalty.

Q. 2254. Sir George Young—He holds a licence from the Government, does he not, as a practitioner?—A. He must submit his diploma on his arrival in the Colony, and must receive the sanction of the Governor before he can practise.

Q. 2255.. On the estates?—A. In the Colony at large.

Q. 2256. But especially when he is appointed to visit the estates, is not special licence or sanction given by the Executive?—A. None, except that the proprietor reports that so and so is employed by him on such and such an estate. The proprietor

is obliged to report to the Government on a change of a medical man.

Dr. D. Shier.  
1st Sept. 1870

Q. 2257. Has the Government ever attempted to interfere with the choice of any particular medical man for an estate, on the ground that he was sufficiently employed already, for instance?—A. I am not aware that Government has ever so interfered, at least I have no recollection at the present moment.

Q. 2258. Mr Mitchell—In one of your reports on the *Anna Regina* estate for May, 1869, you state that the hospital there was occupied by the manager, while a new dwelling-house was being built. Subsequently, in May, 1870, you noticed that the manager continued to occupy the hospital. Can you tell me the name of the manager?—A. Mr. Bascom.

Q. 2259. And in your report for May, 1870, you mention that two new buildings of two-story rooms, with rooms which are too small, had been lately erected. Were these buildings erected for the purpose of placing new immigrants in them—indentured immigrants?—A. These dwellings that I allude to there, had existed before they were re-built of that particular description.

Q. 2260. They were taken to pieces and re-built in a different position on a different site?—A. No. The site was the same; but they had been entirely taken to pieces, and thoroughly re-built.

Q. 2261. Sir George Young—The materials were the same?—A. The greater part. The frame work I presume was the same; and whatever part of the materials could be used for the second time.

Q. 2262. Mr. Mitchell—What was the object of taking to pieces and then rebuilding on the same plan?—A. They were rebuilt on the same plan, but they were objected to by the Government.

Q. 2263. Sir George Young—They came within the rule at present laid down by the Government for the reception of new immigrants?—A. Certainly. Instead of continuing to erect dwellings of that sort a large number of dwellings on the plan recommended by the Government—a large number of these ranges have since been built on that estate.

Q. 2264. Mr. Mitchell—On *Leonora* estate, in your report for November 1869, you say you found the immigrants newly

*Dr. D. Smer.* arrived, lodged for a third time in the joint Hospital on this estate. Can you tell me the name of the manager who had charge of the estate at the time?—A. Mr. Russell was the manager all the time; but he is very frequently absent from the estate, being an attorney in extensive employment.

1st Sept., 1870

Q. 2265. Absent from the Colony?—A. Absent from the estate, and I believe on two separate occasions absent from the Colony.

Q. 2266. Occasions on which this occurred?—A. No; I don't mean to say so.

Q. 2267. Was he absent from the Colony on any occasion on which this occurred?—A. On one of these occasions I know that he was present; he was on the estate.

Q. 2268. And you don't know that he was ever absent from the Colony at the time?—A. No. But on one occasion he was in the County of Berbice.

Q. 2269. He was absent from the estate?—A. Yes.

Q. 2270. Do you remember whether he was long in Berbice? A. I should suppose 8 or 10 days, not longer; I do not know the exact time.

Q. 2271. Sir George Young—You have never put in force the provisions of the Consolidated Ordinance in cases of intrusion into Hospital?—A. I have not. But you will observe in the last report, the 21st, intimation was thereby given, that if the practice were again discovered on any estate the penalty would be sued for.

Q. 2272. That was a general intimation?—A. That was a general intimation: for I had found on three different estates on my last inspection that that had been done. The fact is, ships bringing immigrants arrived very closely, one after the other, these were sent to various estates and they came upon them unexpectedly. That is the explanation. I do not mean to say that it is an excuse.

Q. 2273. The President—You were unable to visit plantations *Annandale* and another?—A. I was. *Lusignan* was the other.

Q. 2274. And were very nearly drowned, or your horse was? —A. My horse was, almost.

Q. 2275. Have you visited them since?—A. No ; but I intend *Dr. D. Ghier*. to do so before my next regular inspection ; in fact before my <sup>1st Sept. 1870,</sup> report is sent in. I would have visited these estates before, but on reading over the record of the 21st inspection you may have seen it mentioned that several new hospitals were to be erected, and I promised I would forward them plans. I mention that to show how my attention has been occupied. A very considerable amount of time has been devoted to preparing the plans of those new hospitals, as being a very urgent matter.

Q. 2276. When does your next inspection commence?—A. In October.

Q. 2277. Do you intend to leave the inspection of those two estates to your next inspection?—A. Oh ! no ; I shall visit those estates before I begin my next inspection.

Q. 2278. You mentioned with regard to *Glasgow* that the number of immigrants there was small, and that further visits were not required by the Executive—A. I did.

Q. 2279. What is the number that enables the Executive to dispense with the visits?—A. Well, the number of immigrants on that estate amounted to about seven or eight.

Q. 2280. When the Executive dispensed with the visits?—A. The Governor stated that he did not think it was necessary that I should travel such a distance for that number of people, the more especially as no sickness had occurred amongst them.

Q. 2281. How far is *Glasgow* from the next station?—It is from 25 to 28 miles from town up the river.

Q. 2282. But from the next station?—A. You cannot get by the next station ; you have to go by the river.

Q. 2283. You must make a purpose journey then?—A. Yes, a purpose journey.

Q. 2284. So the case is a very exceptional one?—A. It is the only case I know of.

Q. 2285. Yes ; and the circumstances throughout are very exceptional?—A. Quite so. The medical attendant they had was accidentally drowned, and they were never able to obtain the services of another.

Q. 2286. Sir George Young—I want you to refer, if you

*Dr. D. Shier.* please, to the report of a case in the Berbice district. There are two estates under the same manager. In your 18th report you had to make inquiry apparently into certain deaths which had occurred out of hospital. Do you remember the circumstances. —A. I remember the circumstances ; but I do not remember where the result of it is.

Q. 2287. I was going to ask where we could arrive at the explanation in the case in which it is not given there. The explanation is given as to four cases on one estate, but as to two cases on the other it is not given?—A. It was referred to the manager, who must have reported to the Executive. The manager was requested to offer such explanation as might be in his power why these people did not enjoy the benefits of hospital treatment:

Q. 2288. The absence of explanation in the one case attracted my attention?—A. In the one case I saw the manager, in the other I did not.

Q. 2289. But the explanation will have been sent in to the Executive in both cases?—A. In the case in which I have obtained the explanation, if that explanation was satisfactory, no further explanation would be required ; but if it were not satisfactory of course there would be.

Q. 2290. That explanation, as it appears to be endorsed by you, I presume you considered it satisfactory?—A. Quite so.

Q. 2291. It depends upon questions of fact, which, if correctly ascertained, are quite satisfactory?—A. Just so. I see the explanation in the second case is given by the manager. He had sent that information to the Government. It has passed through my hands.

Q. 2292. That is in the case which does not appear there?—A. In the other case the report must have gone direct to the Government. It could not have passed through my hands, for I have made no note of it.

Q. 2293. Does the explanation which appears there appear as endorsed by you and considered satisfactory, or is it merely a transcript of what the manager said?—A. It is a transcript of the information obtained from him.

Q. 2294. But it does not necessarily go to the Governor as con-

sidered satisfactory by you?—A. Yes; this must have been perfectly satisfactory. Of the four deaths regarding which the inquiry was made, it appears that two were sudden, and that an inquest was held in each case. The third death was that of a Coolie, who did not belong to the estate at all, but had wandered there from some distance. He had come to the estate, and died of dysentery. He was a free Coolie also. The fourth death occurred in the hospital, and the error arose by inserting a wrong name in transcribing the register. The name Uppiah had been inserted instead of Appadoo, and hence the error.

*Dr. D. Shier.*  
1st Sept., 1870

Q. 2295. And by inserting that report in your record you, as it were, endorsed it as a satisfactory explanation?—A. Certainly; the Governor on reading that would see that no further explanation was necessary.

Q. 2296. When you make that sort of entry it is understood that you are satisfied?—A. Precisely; if not satisfied, I would so express it, so that no mistake could occur.

Q. 2297. Will you just look at the report on Pln. *Friends*, in your 21st inspection. That also is in the County of Berbice, I think. I observe you speak of requesting a list of the indentured immigrants on the estate?—A. Yes,

Q. 2298. For use in the hospital, I think?—A. For hospital use. I may explain what use it is to subserve. On the admission of patients by the Ordinance, the medical attendant has to enter the name, the age of the patient on his arrival in the colony, his number and ship, as part of the description of the case. Now, without such a list of immigrants, and their ages at the time of their arrival, it would be impossible for the medical attendant to give the necessary information. Hence, we call in every instance, either for a small manuscript book, with an alphabetical list of the immigrants, or the list is made out on a sheet of paper, which is hung up for the use of the medical attendant.

Q. 2299. There is such a list in every hospital?—A. Yes; either a broad sheet or a small manuscript. If a small book, it is kept by the dispenser to furnish the information to the medical attendant.

Q. 2300. In the report upon the same plantation, No. 20, (the dwellings' report) there is an account of a building being erected with a sleeping room above. Are you able to prevent what you anticipated on that occasion?—A. Certainly; I have



*Dr. D. Shier.* the most direct evidence that the persons who occupy the lower apartment occupy the sleeping apartment above. In fact it is only married people who are accommodated in that way; it is set apart entirely for married couples.

1st Sept. 1870.

Q. 2301. I observe a notice in your reports, (18, 20 and 21) on *Pln. Providence*, of the floors of the dwellings being damaged by the practice of the Chinese in upsetting their water butts?—A. Not upsetting them. But almost every Chinese family is possessed of a puncheon. This puncheon they keep in the interior of their dwellings, with a gutter communicating from the exterior. When rain falls, of course, water passes into the puncheon. It is all very well if the occupier happens to be at home to put a stop to the flow of the water when the puncheon is full; but if he is not at home it goes on running over the puncheon and swamping the floor. The consequence is that, being wooden floors, they are very much rotted in the vicinity of the puncheons.

Q. 2302. That was noticed several times and the remedy suggested was that the floor should be of clay instead of wood?—A. Quite so.

Q. 2303. But you were not able to succeed in getting that remedy adopted?—A. No; the Chinese object very much to the use of mud floors; I believe more from prejudice than any thing else, because when they once have occupied them there is no further trouble with them.

Q. 2304. Then the difficulty lay with the inmates rather than with the manager?—A. The difficulty was with the inmates, not with the manager at all.

Q. 2305. Mr. Jenkins—Will the Commissioners allow me to interpose a question with reference to the objection of the Chinese to the use of mud floors. I would ask Dr. Shier whether he has been to the Chinese Settlement, and if so whether all the houses there built by the Chinese themselves have no mud floors?—A. I have never been to the Settlement. I, however, do know from experience that when the Chinese do occupy these dwellings there is no further trouble. All the difficulty is to induce them to try it.

Q. 2306. With reference to a remark in your 18th Report on *Plantation Goldstone Hall* upon the conduct of the dispenser, I do not observe if you notice that afterwards. May we conclude that he was dismissed afterwards?—A. He was there and

then dismissed, he was dismissed within six days.

*Dr. D. Shier.*

Q. 2307. There is a case on Pln. *Adelphi* when a particular requisition was noticed four times and not complied with, as to the filling in of the space under the hospital?—A. That arose from a change of managers; there were three different managers on that estate during the time of these reports being made. I may mention that the hospital was not on the original site, it was carried a distance of some 50 yards from where it originally stood, and after the building of the pillars of the hospital the ground below subsided more than once. It was filled up, although it is not noticed here; but it had subsided so much that it required still further filling up.

Q. 2308. Now in the case of *Port Maurant*, there are observations in each of these reports that I wish to put a question about, in each report, that is to say, upon the hospital. In your 18th report preceding complaints are noticed, which are there repeated. Then a hospital was provided of a kind you did not approve, and in the last report you mentioned that it was not then sanctioned. Has that hospital ever been sanctioned?—A. It has never been sanctioned.

Q. 2309. Is not that a continuous breach of the Act for sometime?—A. There is accommodation for all the Immigrants in that hospital. The Governor has not sanctioned this hospital and will not sanction it. But the Executive is aware that a new hospital will be erected as speedily as is compatible with the state of matters. No immigrants will be allotted to that estate I may mention that the building is a substantial one, and it is only its locality which renders it unsuitable.

Q. 2310. Is the manager alluded to in such strong terms in your 19th report still administering that estate?—A. Yes, still, but I am very glad to say in a very different spirit from what was evinced on that occasion. I may mention that that is the only example that I recall where a medical attendant had brought it to the notice of the manager that the diet was not sufficient and the manager did not take any notice of it, or did not take that notice which he ought to have done, for, on afterwards visiting the hospital I found the defect was not remedied.

Q. 2311. I wish to call your attention to one further statement in the 21st report upon that estate as to the number of deserters. You observe that 41 indentured immigrants had left the

*Dr. D. Shier*. estate and were supposed to be in Surinam?—A. Yes, had 1st Sept. 1870 gone to Surinam.

Q. 2312. Was that a usual number of deserters to find?—A. Well, on all those estates on the East Coast, Berbice, every one of them more or less have lost large numbers of immigrants in that way, by crossing over to Surinam, *Skeldon* especially.

Q. 2313. Are free laborers on estates admitted into hospitals as freely as others?—A. As freely as the indentured immigrants. There is no restriction; that is provided they reside upon the estate. I may mention, however, that the number is very small.

Q. 2314. No account is taken of them in calculating the accommodations in the hospital, except in a general way, I understand?—A. If these persons were in large numbers or in any considerable number, of course that would have to be taken into account, but in any case if the hospital happened to be full the indentured immigrants would be admitted and not the others, if it so happened, but I do not recollect a single instance of the kind occurring.

Q. 2315. Are any of your requisitions, as to the construction of hospitals made a *sine qua non* by the Government in the same way as the construction of dwelling-houses of one story without a central partition is now made?—A. The Government recommends and a plan is furnished, but of course they are left at liberty to improve upon it.

Q. 2316. Have any particular deviations from that plan been noticed, as entailing the refusal of new immigrants?—A. No; I am not aware of any new hospital being built in any style so as to induce a refusal.

Q. 2317. I mean what has the Government done; has the Government given out that they will refuse any immigrants?—A. If the hospitals were incommensurate or unfit.

Q. 2318. Have they notified any special requisition which they make now?—A. I am not aware of any, as I have said; a plan is given in most cases. Whenever a plan has been applied for it has been forwarded, but there are some hospitals which have been built within the last five years, where no plan was given. They are very excellent hospitals; the only objection to them is that they are of two stories. I may take the liberty of inclosing to the Commissioners a rough plan of one of the hospitals recommended.

Q. 2319. With regard to cases of inadequate diet being furnished in hospitals there was one case in particular which I wish to refer to. It was that of *Windsor Forest*. Do you remember the instance?—A. No, I do not at this moment, but I can easily refer.

Dr. D. Shter.  
1st Sept. 1870.

Q. 2320. Will you refer to the 19th Inspection of the West Coast District. I find one entry that “ notwithstanding an entry made at the last visit in the hospital register, regarding an insufficient supply of bread issued to the patients, only half the allowance is still issued. It will be brought to the notice of the Government?”—A. It was so brought.

Q. 2321. Was anything done?—A. It turned out at the inquiry that was made that the manager was not aware of the circumstance at all, and that the blame rested entirely with the dispenser.

Q. 2322. Would that be considered any excuse, that the manager was not aware of it after an entry in the hospital register?—A. Well the manager never observed the first entry, it did not come under his observation, but the second was at once brought to his notice.

Q. 2323. Mr. Mitchell :—Was that entry made in the hospital register or in the case book?—A. In the register ; no entry is ever made in the case book.

Q. 2324. Is it not the duty of the manager to look over the register occasionally?—A. I should think a manager ought to make it part of his duty to do so. I know, almost invariably, managers do.

Q. 2325. It is in this register that the visits of the medical men are entered, I believe?—A. No, in the case book.

Q. 2326. The President—What was done to the dispenser?—A. He was told that if such a neglect of duty occurred again his certificate would be withdrawn from him.

Q. 2327. Sir George Young—Was that all that happened the second time?—A. It turned out that it was more from inattention than anything else that it happened.

Q. 2328. The President—But in an hospital is not inattention a most serious offence?—A. Decidedly so.

*Dr. D. Shier.* Q. 2329. Can there be anything more serious?—A. Nothing  
1st Sept. 1870. more serious.

Q. 2330. Sir George Young—Have you not met other instances in which this particular act has been committed; that is to say, where half the supply of bread has been issued?—A. The defect that exists most frequently in regard to bread is this:—Throughout the Colony bread is baked in what is termed bit loaves. This bit loaf should weigh a pound, and in supplying bread to the patients in the hospital they very frequently give to each patient half a loaf, which should weigh eight ounces, but it very often does not weigh so much. It may weigh eight ounces on the morning of its being baked, but very soon after it often weighs decidedly less.

Q. 2331. That is a case of short weight. Have you noticed that this particular offence of issuing half rations of bread has been committed in more than one case?—A. I do not remember. If I had it would be recorded. The diet of the patients forms a subject of very great solicitude to the inspector of hospitals.

Q. 2332. There was another entry on the same estate with regard to a patient who it was directed should be removed to the public hospital, and it was not done?—A. The medical attendant requested that he should be removed.

Q. 2333. Sent a requisition that is to say?—A. The request was tantamount to an order; but the manager for some days refused to do so. He does not seem to have been aware that it was his duty to at once send the patients:

Q. 2334. Who is the manager of *Windsor Forest*?—A. Mr. Cameron.

A. 2335. Is he not a Justice of the Peace?—A. I am not positively certain that he is. Most managers are Justices of the Peace, at least many of them. The patient was sent on the following day.

Q. 2336. In the case of *Arthurville*, which you mentioned on a previous occasion, the cause of the removal of the immigrant besides general neglect, you gave as the issuing of a money allowance instead of food?—A. Quite so. The hospital management was excessively defective.

Q. 2337. Do you remember any other instance of the same

violation of the law on Pln. *Enterprise* in Leguan?

Dr. D. Shier,

1st Sept. 1870.

Dr. Shier—When?

Mr. Mitchell—In July 1869; at least it is mentioned in the report of July 1869.

Dr. Shier—In that case the patients were supplied with a half bit loaf, instead of the bread being weighed when brought into hospital. Instead of eight ounces of bread, they got a half bit loaf.

Q. 2338. And that was given in money?—A. No. Instead of its being weighed so that each patient was sure of having eight ounces, a certain number of loaves of the value of half a bit each were distributed. They did not get money, but they only got half a bit's worth of bread in value.

Q. 2339. It was not then an offence of the same magnitude as the former?—A. Oh! not nearly:

Q. 2340. Have you ever made any calculation of the number of complaints upon the question of diet you have received in any given inspection?—A. No, I have not. The number of complaints now is very considerably less than it was a number of years ago, but I believe that until the end of time complaints will occur. It is impossible to stop them altogether, so long as these hospitals are mere human institutions.

Q. 2341. The violations of rule which you discover are mostly trivial, I gather from your reports?—A. That is certainly so; if they were of serious moment it would be matter of very great uneasiness.

Q. 2342. Do you think greater exactitude in this respect could be obtained if those hospital rules of which we have heard were issued?—A. I do not know that we could then end it even by these rules. I believe that now that these hospitals have been in existence so many years, and that most people are so well informed as to what their duties are, it will be advisable, where it can be proved that neglect has occurred, that the penalty should be sued for.

Q. 2343. You will not be disposed in future to accept so readily the excuse of inadvertence?—A. If I could find out satisfactory proof, that there was decided negligence in the matter,

*Dr. D. Shier.* I would be by no means disposed to pass it by.

1st Sept. 1870.

The President—Against whom would you bring the suit?—

A. In that case I should have brought it against the dispenser.

Q. 2344. A civil suit or a common prosecution?—A. Before the Stipendiary Magistrate.

Q. 2345. As a civil suit?—A. Yes, civil, for contravention of the provisions of the Ordinance

Sir George Young—That would be a criminal prosecution.

Q. 2346. Mr. Mitchell—When you report, what punishment can the Executive inflict?—A. The Executive can order a prosecution.

Q. 2347. But what other punishment besides this under the Ordinance?—A. The Executive has almost unlimited powers; the withdrawal of the immigrants if necessary,

Q. 2348. But in many cases would not the withdrawal of the immigrants for a slight offence be a very disproportionate punishment?—A. Oh! it should not be done except for something very heinous, because it would be certain ruin to the estates.

Q. 2349. Do you consider it better to report these cases than to prosecute in a summary way?—A. I have thought it better to report as I have done. If when I was appointed I had commenced a prosecution for every departure from the Ordinance it would have been a dead letter at this day. There would have been no possibility of arriving at the state we have now arrived at. It would have raised a spirit of antagonism instead of willingness to do what the law requires, and we should have been foiled at every corner. I have taken care to conceal nothing. The Executive have always been placed in full possession of the most trivial matters connected with those hospitals.

Q. 2350. The President—I want to call your attention to your 20th report—your general report. In that report you refer to the deaths from accidents being in a very high ratio. Are those accidents almost entirely confined to accidents caused by machinery?—A. Chiefly.

Q. 2351. Do you happen to recollect what is the next most common cause of accident?—A. I cannot state numerically the proportion in which the different kinds of accidents occur. Accidents

often arise by kicks from mules. That is a very frequent cause of Dr. D. Shier. accident, but I think the greater number arise from machinery. 1st Sept. 1870.

Mr. Cowie—Would you ask on that if the witness can judge whether these accidents from machinery are owing to the carelessness of the people themselves or might be prevented.

The President—In the report it is stated that owing to the immense amount of machinery employed in the manufacture of sugar and the recklessness and carelessness of those engaged in the work, the prevalence of death arises.

Q. 2352. The President—There has been a suggestion of placing all the medical men attending the estates under the Government ; would you object to give your opinion on that question ?—A. I cannot make any objection, for I presume you will only take my opinion for what it is worth.

Sir George Young—I have no doubt it will be very valuable.

The President—We think it worth a good deal or we should not have asked for it.

Dr. Shier—It is a subject I have considered for a very considerable length of time. In fact it forced itself upon my notice very early. I do not think the position of medical men in this Colony is what it ought to be or what is desirable, but on the other hand I do not see what advantage there would be in making them public officers. I think the only security the medical men ought to possess is, that no one should be deprived of his practice without having a right to appeal to the Governor, or with the sanction of the Governor. With that security I should then hold a medical man more responsible for his duties than I do at the present moment. He of all others ought to be thoroughly conversant with the food, the medicines, in fact with everything connected with the hospital, and, under those circumstances, instead of calling the attention of the manager to certain things, I should then call the attention of the medical attendant and hold him responsible. He is liable as it is for penalties for the non-performance of certain duties, and I think the protection I have stated ought to be extended to him. These are the views that I entertain on the subject.

Q. 2353. You think him responsible for the non-performance of certain duties. Do you ever recollect a case of a medical man being subjected to prosecution ?—A. I have never prosecuted.

Q. 2354. And you do not know of any case where he had



*Dr. D. Shier.* penalties inflicted on him?—A. I know of only one instance. I  
 1st Sept. 1870. ought also to mention that I think it is incumbent on the Govern-  
 ment to insist on a medical man, who is a stranger to the practice  
 of the Colony, serving at least six weeks in the public hospital of  
 Georgetown or that of New-Amsterdam. I make this statement  
 because I have seen very disastrous consequences from non-attend-  
 ance to this practice.

Sir George Young—You alluded a short time back to *pln. Glasgow*, —

Mr. Cowie—May I be allowed to interpose one question which I should like very much to be put to Dr. Shier just now: I have listened with very great attention to his very clear statement of the view he takes with respect to the position of medical men, and I should like him to state what his reasons are for thinking the plan he proposes would be more advantageous than the plan of making the medical officers servants of the Government.

The President—He has not mentioned that he thought his plan better.

Q. 2355. Sir George Young—I was about to enter on that subject: You alluded to the case of plantation *Glasgow*. In the existing condition of the Immigration system here, does it not seem rather a hard case that a man should be debarred from obtaining immigrants because he cannot obtain the assistance of a doctor?—A. It is a very hard case, but I cannot see how it can be remedied. That however will not be of long standing. I have every reason to believe that within a few years estates in the vicinity of that plantation will come into cultivation again, and the difficulty will thus be removed.

Q. 2356. But in such cases as that and in others at present existing the expense of procuring medical assistance in the remote quarters of the Colony must be very much greater than it is near Georgetown?—A. I can tell you the salary of a gentleman who practises for two estates on the Berbice river. There are only two estates, but those estates afford him £500 a year with a free house.

Q. 2357. That is an extreme case of remoteness?—A. There is another on the Corentyne river, also on the East Coast of Berbice. There is a gentleman who only practises for two estates, *Port Mourant* and *Albion*. His income is nearly the same. I do not think it is quite £500, but you have the amount in the tabular statement I have given you.

Q. 2358. Of course we do not know what the professional value of the services of these two gentlemen may be as compared with others. I put the question to you as knowing more about it than we possibly can do. Do you consider that persons who are remote from the centre of the colony, have in fact to pay a heavier tax for medical attendance owing to their remoteness?—A. I should suppose so. It depends very much on the number of immigrants. On an estate, where the number is very large, the pay ought to be in proportion.

*Dr. D. Slier.*  
1st Sept., 1879

Q. 2359. Have you considered this as one of the elements in the argument, that if the medical men were made officers of the Government, the payment for their services could be made to fall more equally on those who profit by them?—A. That might be managed without their being made Government Officers. I do not suppose the proprietors of estates would offer any objection to the aggregating of a certain number of estates together so as to be the practice of one man. I do not suppose any obstacle will be thrown in the way of that.

Q. 2360. The President—Would not there be some difficulty in introducing your system in the first instance?—A. I do not see that it would have any such effect.

Q. 2361. Because at present, if I understand aright, the managers have appointed medical men and the Government has approved of their appointment?—A. Certainly.

Q. 2362. Well, you would oblige some of them to change their medical men?—A. I have always understood that the managers look upon the public interest and their own as identical.

Q. 2363. And you think upon that principle there would be no objection?—A. I have no doubt of it.

Q. 2364. Sir George Young—Would your system contemplate the subscription of the proprietors to a general fund, out of which the medical men should be paid?—A. Not at all.

Q. 2365. You would leave the estates in the several districts of the Colony to obtain a medical man at whatever the market price of his services might be?—A. Quite so. We know that he must be qualified; the Government take care of that.

Q. 2366. And the distant estates would still have to pay high and the others low?—A. The distant estates would have to pay higher in proportion; it would then come to be a question if a

*Dr. D. Shier.* very distant estate could afford to do it, as in the case of *Glasgow*.  
1st Sept., 1870

Q. 2367. The President—I suppose a young man just coming to the Colony would be glad to take a much more moderate remuneration for visiting an estate than one with an established practice?—A. Only for a short time, until he could get a better. I have known instances of medical men coming out to this Colony on a salary, an arrangement made with them at home, on say £200 per year, and fancying it was a very handsome income; but they only held that belief for about six weeks.

Sir George Young—What was your question, Mr. Cowie?

Mr. Cowie—I should like Dr. Shier to state, as specifically as he can, the reasons he has for preferring the plan he has sketched out, to the systems of appointing government officers to be the medical attendants of estates.

Q. 2368. Sir George Young—Will you reply to that question, Dr. Shier?—A. In reply, I would say so far as my experience goes, I have never known a man perform his duties better by becoming a public officer. Without being a public officer he has an inducement to make punctual and regular visits. And I only yesterday spoke with great satisfaction of the way in which the medical men conduct themselves in this Colony. I really do not believe that by making them public servants we should improve them in any respect. In another point of view, I am afraid that if they were made public officers, it would arouse a feeling of antagonism between them and their employers; there would be a greater disposition on the one hand to show his position and the same on the other.

Q. 2369. The President—If the estates were aggregated, what do you imagine would be a fair remuneration, taking one with another, for a medical man?—A. Considering the climate, the rapid wear of the constitution, and that a medical man can only work about 15 years in such a climate as this, and that the best portion of his life, I cannot see that a medical man's income would be satisfactory at much less than £1,000 per year, if at anything less.

The President—Have you any question you would like to put to Dr. Shier, Mr. Cowie?

Mr. Cowie—It will be remembered that when Dr. Shier was

examined the other day I had not an opportunity of suggesting any question to him, so there are a few miscellaneous questions which, with the leave of the Commissioners, I will put. Going back to his evidence on Tuesday, I should like him to be asked whether his visits to the estates are made on notice to the estates or without warning?

The President—The Act requires that they shall be made without notice.

Mr. Cowie—But I would like to have the fact from Dr. Shier?

Q. 2370. Sir George Young—Your visits are made without warning?—A. Yes, without the slightest warning. But I do not think there is any provision in the Ordinance.

The President—I see I have been travelling into another appointment.

Q. 2371. Mr. Cowie—I should like to know from Dr. Shier what are the qualifications of the dispensers. We have heard about the medical men, but not about the dispensers. How are they qualified for their duties?—A. The Ordinance requires that a competent dispenser shall be employed on each estate. When this Ordinance came into operation there were comparatively few qualified dispensers, but the Government at once took the matter in hand and set aside a sum of money for training dispensers in the public hospitals under the direction of the Surgeon-General. In this way a very large number of dispensers were trained. The Ordinance also provides that the Medical Inspector may grant certificates of competency. I may mention that of the 118 dispensers at present employed in hospitals, or rather of those persons who hold the office of head nurse and dispenser, 69 hold certificates of competency. Of those 69, 62 after training in the public hospital and examination by the Surgeon-General, and 7 after probation and examination by the Medical Inspector of Estates' hospitals. Besides these 69, 24 are otherwise qualified; some from having served for several years as sick nurse in the public hospital, seven from their training as druggists and one from having studied medicine in Edinburgh for two years. 21 hold certificates of character from medical men and will receive certificates of competency after probation and examination. Of one hundred and eighteen head nurses only four can neither read nor write, and they are females who have been for many years in hospitals, one for more than thirty years. They are in small

*Dr. D. Shier.* hospitals where the proprietors of the estates attend themselves  
1st Sept., 1870 to the administration of the medicines.

Q. 2372. Allow me to put a question on another subject. We had something about drains, I think in the yard—what is called the Coolie yard, where the Coolie houses are situated. I believe, as a matter of fact, that on many estates the drains are in a very dirty state?—A. Very much so.

Mr. Cowie—Then, Sir, I should like Dr. Shier to be asked how often in the year, in his opinion, ought those drains to be thoroughly cleaned out; if he could give an opinion?

Dr. Shier—A Planter would be better able to give a trustworthy opinion.

Q. 2373. Sir George Young—Can you give an opinion?—A. They should be cleared out at least every four months. I think they would not require to be cleared so often, but on many estates they are in the habit of introducing cattle.

Q. 2374. Do you think that if the drains were cleansed periodically, once in four months, the places would or ought at any rate to be kept tolerably clean?—A. I think so; and that duty should be strictly enforced on the immigrants.

Q. 2375. The duty of keeping them clean?—A. Yes.

Q. 2376. The estate clearing them once in four months?—A. The estate having first put them in good order, the immigrants are bound to keep them in such order.

Q. 2377. The President—I do not observe that you attribute any sickness on any estate to the foulness of the drains?—A. It is very difficult for me to connect sickness with these drains. I see the patients in hospital, but I do not see them in their houses. That is a point that the medical men in the locality could give information about; and their opinion would be worth twenty times any opinion I could express. They see them daily and in their houses; I see them only twice a year. I may remind you of the fact noticed by Mr. Russell when he pointed out to me in a certain district how little disease was found there compared with what is found in other places. There was a direct tracing of health to a particular locality and to a particular circumstance.

Q. 2378. Sir George Young—I do not know that I quite understand your answer, that the estate having put the drains in good order the immigrants ought to keep them so?—A. They are bound by law to do so. Dr. D. Shier.  
1st Sept. 1870.

Q. 2379. Once in four months?—A. No : the estate having formed these drains, having afforded an outlet, and cleared down the whole yard from bush,—having once done that, the Ordinance provides that the immigrants shall keep those drains and the grounds in good order.

Q. 2380. Then you mean that after that the immigrants should once in four months clear out the drains?—A. Once in four months would, I should think, be sufficient after that to do so.

Q. 2381. Mr. Cowie—On the general question of health, I should like Dr. Shier to be asked what he has observed with regard to the condition of the Coolie children on estates?—A. I have had an opportunity of seeing almost all the children in the Colony. In inspecting the dwellings, of course, I come into contact with them. And I can certainly aver that I never saw a finer set of children than the Coolie children born in this Colony.

Q. 2382. Mr. Cowie—We had something from Mr. Crosby about the best season for Coolies to arrive. I should like Dr. Shier to be asked what he considers the best season for the arrival of immigrants?—A. I have pointed out in many of my reports that I think no immigrants should come into this Colony later than the month of April; if possible by the beginning of April.

Q. 2383. Beginning when?—A. As early in the season as possible; in October, if possible.

Q. 2384. With regard to the houses on estates which have not been built by the immigrants themselves, they are generally built, I think, as you have described in ranges. Do you think that as a rule sufficient spaces are left between the parallel ranges?—A. So far as I have heard as yet I think so. That is, however, a point which I shall keep in view. The only instance where I know they have been built in too close proximity is on *pln. Vive la Force*. I brought the circumstance to the notice of the Government.

Q. 2385. On the other hand have you noticed whether in cases

*Dr. D. Shier.* where houses are built by the Coolies themselves, there has been 1st. Sept. 1870 any check on their building them crowded together as is their fashion in their own country?—A. Too little, I have stated, I believe, to day that these houses were too crowded together or at all events not regulated in the positions which they occupy, not sufficiently so.

Q. 2386. With reference to some estates on which you told us there were old coffee logies, are they occupied by Immigrants or Africans?—A. By Immigrants.

Q. 2387. You were speaking to-day about privies, are all the hospitals provided with proper privies in your opinion?—A. The hospitals have privies, some on one principle, some on another. The dry earth system has been introduced into some, but we shall have to obtain further experience of that before adopting it generally. There are some objections to it which have already been discovered.

Q. 2388. Sir George Young—You have not yet sufficient experience from what you have observed with regard to hospital privies, to enable you to say what would be the best thing to do with regard to the houses?—A. Not as yet.

Q. 2389. The chigoes are the chief objection to the dry earth system?—A. Yes. But they would be no objection if the earth was first roasted or burned and then powdered.

Q. 2390. As to your visits to the estates being made entirely without notice; is that enjoined upon you, if not by the Ordinance by those in authority?—A. It was suggested when the office was appointed—when the matter was discussed in the Court of Policy; at least that was the impression conveyed to me. In fact I was so informed by the Governor. I ought to mention that I was never a candidate for the office I hold.

Q. 2391. Has the system of visiting without notice, worked to your entire satisfaction?—A. Very much so; but it has its drawbacks. I think that a certain number of visits ought to be made without warning, but that from time to time visits with warning should be made. The object of that would be to secure the meeting of the manager and the Medical Inspector. It would be greatly to the advantage of the medical inspector, inasmuch as he would hear the views of the manager and would profit by them. Many of the suggestions I have made, I can safely say, I have derived from my interviews with the managers.

The President—Will you suggest any question, Mr. Jenkins? *Dr. D. Shier.*

Mr. Jenkins—Yes, I have several to suggest, but I shall not be done for a half an hour, I fear.

1st Sept. 1870

Sir George Young—We have no objection to go on.

Mr. Jenkins—The first question I should like to ask would be as to the initiation or inauguration of Dr. Shier's office. The appointment was made by Governor Wodehouse,—was any opposition made to that appointment by the Combined Court? —A. I am not aware that any opposition was made to it at the time of its inauguration.

Q. 2392. Mr. Jenkins—I only ask this question to test information which I have. Is it or is it not true that Governor Wodehouse upon this appointment being proposed was obliged to inform the planters that unless it was acquiesced in, no immigrants should be allotted to any estate, and that immigration should be stopped?

Sir George Young—Is Dr. Shier the proper person to answer this question?

Mr. Jenkins—I only want to know whether he knows it.

The President—Dr. Shier was not in a position, I think, to have knowledge of it.

Sir George Young—I do not think there is any objection to putting the question, but would it not be more convenient that we should obtain the information from a more direct quarter?

Mr. Jenkins—Just as you think fit, but I would like to ask Dr. Shier if he was so informed by Governor Wodehouse.

Dr. Shier—I never was. This much I understood from general report; and it was that the Home government gave its sanction to the system of immigration, provided it were put upon a satisfactory footing. That is my impression.

Q. 2393. Mr. Jenkins—Then we are to understand that Dr. Shier is not aware of any opposition being made to his appointment at that time?—A. I do not remember any opposition. In fact, if I recollect rightly, when the matter was discussed in the Court of Policy, it was proposed to make the salary £1,200 per year.



*Dr. D. Shier.* Sir George Young—Does your question refer to Dr. Shier's 1st Sept. 1870. appointment, or to the original constitution of the office?

Mr. Jenkins—They were in fact identical.

Sir George Young—Do you speak of the opposition to Dr. Shier's appointment?

Mr. Jenkins—Oh! no, simply to the constitution of the office.

Dr. Shier—I am not aware of any opposition to the office at the time of its constitution; not at all aware of it.

Mr. Jenkins—But subsequently. May I ask whether there was a proposition in the year 1863, in the Combined Court, to do away with the office?—A. I believe that some discussion took place in the Combined Court as to the propriety of continuing the office.

Q. 2394. Was that subsequently to your 13th report?—A. No, it must have been anterior to my 13th report; my 13th report must have been in 1865 or 1866.

Q. 2395. Were you made aware at the time why the discontinuance of the office was urged on the Combined Court?—A. I am not aware; I am not very sure if I was in the Colony in May, 1863. If I was in the Colony, I did not receive such information as would enable me at the present moment to give a reply to the question.

Q. 2396. Not even in the public press?—A. I should, of course read the public press; but what the nature of those were at this moment I don't recollect. I am not certain that had I been in the Colony I should have read them all.

Q. 2397. With regard to the scale of diet in hospitals, I believe a scale has been framed and hung up. You have already given evidence with regard to it; but recently has a new scale of diet been hung up in any hospital?—A. Copies of the original diet tables, in consequence of those first supplied having worn out; but no alteration has been made in the scale.

Sir George Young—We have Dr. Shier's answer that the diet has remained the same since 1860.

Dr. Shier—Since 1859. Care has been taken to supply hospi-

tals with fresh copies of the table as the old ones have become Dr. D. Shier. obliterated.

1st Sept. 1870.

Q. 2398. Mr. Jenkins—With reference to the attendance of doctors, did you ever hear of a case of the discharge of a doctor because he had made certain entries in the hospital book?—

A. I am not aware that I know of such a case.

Q. 2399. You would see all the entries in the hospital book—A. Decidedly so.

Q. 2400. Do you remember an entry in the hospital book of *Cuming's Lodge*, made by Dr. Macaulay, to the effect that more nourishing diet was required, but had not been supplied?—A. I do not recollect any such thing. If there was such an entry, I never saw it. I examine these books, both the Case Book and Register in every hospital, from the day of my preceding visit up to the day I am there in the hospital, and, I dare say, with as much care as possible. It is possible an entry, if it is not a prominent one, may pass my notice, but I do not think it is likely to do so.

Q. 2401. Such an entry as that would not?—A. Certainly not.

Q. 2402. Sir George Young—Do you remember the time when Dr. Macaulay ceased to attend *Cuming's Lodge*?—A. I do; at least, I remember within a short time.

Q. 2403. About what time was that?—A. I think it must have been about the year 1862, but I am not positively sure. I am speaking rather at random on the matter. If I had known that such a question was to be put, I should have gained the information. It is hardly to be supposed that I could remember every fact, especially having to do with one hundred and thirty hospitals for eleven years.

Q. 2404. Can you suggest any way in which we could ascertain whether such an entry was made about the time Dr. Macaulay ceased to attend?—A. An order might be got to produce the estate's books.

Q. 2405. There is a probability that they are in existence?—A. Yes; the great probability is that they are.

The President—Is Dr. Macaulay still living?—A. Yes.

Q. 2406 And in the Colony?—A. No.

*Dr. D. Shier.* Mr. Jenkins—There is no imputation on Dr. Macaulay. Did he at that time reside in the immediate vicinity of *Cuming's Lodge*?—A. He resided within three or four miles, perhaps nearer, about three miles distant.

Q. 2407. Was he succeeded by a gentleman who lived in Georgetown?—A. Yes.

Q. 2408. A distance of what—four miles?—A. Well, nearly, I should think.

Q. 2409. Perhaps this question might be put. It was mentioned yesterday that Dr. Macaulay was one of those appointed along with Dr. Manget and the witness to draw up rules and regulations under the Consolidated Ordinance, therefore perhaps the witness might be asked whether he is a thoroughly competent man?—A. Oh! Dr. Macaulay was a perfectly competent man, otherwise he would not have been selected by the Governor and Court of Policy.

Q. 2410. The President—Georgetown is only four miles from *Cuming's Lodge*?—A. Four miles.

Q. 2411. Sir George Young—Do you know who attends *Pln. Cuming's Lodge* at present?—A. The same medical attendant.

Q. 2412. Mr. Jenkins—Not Dr. Macaulay?—A. No, he ceased in 1862, I think, but his successor.

Q. 2413. In conversing with medical men on estates, did you ever hear from them, not in the nature of a formal complaint, but in the course of conversation, that parsimony was used in giving hospital comforts and food?—A. I am not aware at this moment. I know a medical man called my attention to a particular estate.

Q. 2414. The medical men would be likely to refer to you in confidence on such a matter as that?—A. Of course, undoubtedly.

Q. 2415. You have not heard from any of them that it is a common expression that "hospital expenses must be kept down"?—A. No, I have not.

Q. 2416. You have never heard of that expression being used?—A. No, I have not.

Q. 2417. The President—When was it that a medical

man complained of parsimony in the medical com- Dr. D. Shier.  
forts?—A. I did not state that any medical man ever had 1st Sept. 1870.  
done so; I said my attention had been called to a particular  
estate. He directed my attention that I ought to make inquiries  
and that I should make particular inquiries on such an estate.

Q. 2418. When was that?—A. A good many years ago.

Q. 2419. Do you recollect when it was?—A. I do.

Q. 2420. Will you mention how long ago it was?—A. I am  
not disposed to mention the gentleman's name, but I should  
suppose it was about five or six years ago.

Q. 2421. Did you make any inquiry into it?—A. I did.

Q. 2422. And what was the result?—A. The result was  
that I found in the issuing of rice that it was issued by measure  
instead of by weight. I do not recollect if I discovered anything  
else precisely.

Q. 2423. If you did you would make a note of it in your re-  
port?—A. Certainly.

Q. 2424. If you find anything further you will perhaps let us  
know?—A. I know that for the future that estate received especial  
attention, for fear of a recurrence of any such thing.

Q. 2425. Mr. Jenkins—Do you recollect a case that occurred at  
the *Wales* hospital, in or about the year 1867, in which Mr.  
Crosby and yourself held an investigation with respect to the  
death of a Chinaman?—A. I recollect attending an investiga-  
tion on that estate. I was asked yesterday by the Commission-  
ers if I remembered it, and from the similarity of the  
names *Wales* and *Versailles*, I made the mistake of giv-  
ing the reason for the investigation on one estate for that on the  
other. On reflection I remembered it was a totally different mat-  
ter of investigation which took place on pln. *Wales*. It was held  
on the 29th April, 1868, and it was in reference to an unusual  
mortality that occurred on that estate in the months of June, July,  
and August of the preceding year.

Q. 2426. Was there not another investigation in 1867 or  
1868 with reference to the death of one Chinaman?—A. Not  
that I recollect.

Q. 2427. An investigation conducted by yourself and Mr. Cros-

*Dr. D. Shier.* by the Immigration Agent General?—A. I do not remember it.

1st Sept. 1870.

Q. 2428. Perhaps I can recall the circumstances. It was the case of a Chinaman who was beaten by the villagers whilst stealing a duck, and the verdict was "death from beating and starvation"?—A. I never was engaged in any such investigation; I am perfectly certain. If I had been, it would be very strange that it should escape my memory.

Q. 2429. Sir George Young—I think we were inquiring into a particular investigation as to which you told us it was a question between the deputy manager and the dispenser. Was that the inquiry at *Versailles*?—A. Yes. It related to *Versailles*, not to *Wales*. The inquiry on that estate related to an unusual mortality.

Q. 2430. Mr. Jenkins—Can you recall an instance which occurred this year at plantation *Stewartville* when a sick nurse was discharged on your suggestion?—A. I do.

Q. 2431. Can you state the circumstances?—A. The circumstances were these: On going to the estate and examining the patients in hospital, the very first person I examined was a Coolie on whose black board was written "Coolie diet". I immediately asked the dispenser what Coolie diet was. He enumerated the whole of the articles and their weights. I put the question to him "did you see all these articles weighed out." He said "I did." I said "are you prepared to give your oath, that you did so," he said, "I am quite prepared." On investigation I found that all the articles had not been supplied, and there and then, in the presence of the manager, I requested his immediate dismissal.

Q. 2432. Would you consider that a sufficient reason for not giving to that person a good character, and for preventing his being employed in any other hospital?—A. The man called upon me again and stated his sorrow for what he had done, that it was the first time I had had to find fault with him, that he had a wife and family, and he begged of me if he could get employment in another hospital, I, without mentioning the circumstances of this case, would recommend him to get a trial.

Q. 2433. I did not know anything about this. I will put the question more specifically. Should you consider it a proper thing for a manager to give to that sick nurse that character (handing to the witness a piece of paper)?—A. I should certainly say, no,

Mr. Cowie—Perhaps that might be read.

Dr. D. Shier.

The document was read as follows :—

1st Sept. 1870.

“David Stephenson has been sick nurse on this estate for a considerable time, is steady and active, and has always done his duty faithfully.”

(Signed,) ROBERT B. HUNTER.

Plantation *Stewartville*, 18th July, 1870.

Q. 2434. Mr. Jenkins—On the 23rd July, 1869, do you remember if you visited Pln. *Waterloo* in Leguan?—A. Yes.

Q. 2435. Did you report to the Governor upon the state of the hospital?—A. I did.

Q. 2436. In consequence of that report, were orders sent down to have the hospital repaired?—A. I have no doubt.

Q. 2437. Were you subsequently, in November 1869, obliged to make a similar report on the same hospital?—A. Not a similar report. I visited on that occasion on the 19th of November. I find my entry is “finds the request made on the last visit attended to; finds the hospital undergoing a thorough cleansing;” and then in a note for the information of the Governor I notice what the requisitions were that were made on the previous occasion.

Q. 2438. Mr. Mitchell—Had you not occasion to refer to that again in your report of May 18th, 1870?—A. I did. I had occasion to refer to it again on the last inspection.

Q. 2439. Mr. Jenkins—What is that reference?—A. I visited on the 30th May, 1870, “Finds a good many repairs required to render the hospital satisfactory; finds the supply of bedding insufficient,” and in a note, “this estate has recently passed into new hands, and the cultivation is being extended. The hospital is an old building, not well situated for an hospital. It is of two stories, erected on two feet brick pillars. It has no gallery; upper story not used; roof in bad repair; bath-room and privy not in good repair; situated in a public thoroughfare.” I may state that the Government have been in communication with the proprietor of the estate.

Q. 2440. Is it quite accurate to say the estate has passed into new hands; is it not that one of the partners have given up his share?—A. That may be. There were two gentlemen connected with the estate at first. Who held the chief share, I do not know, but subsequently one was bought out and left the estate,

*Dr. D. Shier.* so that really the estate as a whole, came into new hands. The  
 1st Sept. 1870. Government have been in communication with the proprietor, and  
 from the reply received, I have no doubt that matters have  
 been put to rights.

*Mr. Jenkins*—I have a few questions to put with regard to  
 the course pursued by *Dr. Shier* in going his rounds, and it is  
 essentially necessary I should get an answer to them, for it may  
 probably have an important effect upon my future course. We  
 all know he does not accept hospitality from managers.

*Sir George Young*—Pardon me, I think we have had no direct  
 evidence of that fact, if it is a fact.

*Q. 2441. Mr. Jenkins*—Is it not a fact that in going your  
 rounds and in examining the hospitals you do not accept the hos-  
 pitality of any manager?—*A.* I never did.

*Q. 2442. Where do you sleep?*—*A.* If there is an hotel in  
 the district, I sleep there; if there is no hotel I sleep at the  
 police station.

*Q. 2443. Then in a number of cases it is possible you may arrive*  
*at the police station overnight, before going to inspect the adja-*  
*cent hospitals?*—*A.* Of course it is possible; it could  
 not be otherwise. When I go to a certain district I can only  
 pay a few visits before it will be ascertained that I am on the  
 Coast. But I never visit the same hospital first a second time.  
 On going back to a district I never go to the same hospital that  
 I went first to on the previous visit. If I have any suspicion of a  
 likelihood of finding a hospital in bad order I go to that first.

*Q. 2444. The question simply goes to this point, whether it*  
*is possible for them to know when you are coming?*—*A.* They  
 cannot know when I am coming to a district, but when I come to a  
 district it soon becomes known. But each district is not a very large  
 one, and as I have told you, I obviate that as much as possible.

*Q. 2445. Then you would go direct to the hospital; would*  
*you there meet the manager or overseer?*—*A.* I go direct to the  
 hospital. When I come to the hospital I intimate to the manager  
 that I am present, and would be glad to see him, if it is convenient,  
 and if it is not convenient that I should like to see the head  
 overseer.

*Q. 2446. You then ask to see the hospital Register and Case*  
*Book, and examine them?*—Certainly.

Q. 2447. For the six months' interval that has elapsed since *Dr. D. Shier.* your last visit?—A. Six months or more; it may be <sup>1st Sept. 1870.</sup> six or seven months; because I do not visit each district in the same rotation on any two inspections.

Q. 2448. Then do you go through the hospital and see each patient?—A. I examine every patient in the hospital. If he has sores he has to remove the dressings, if there is anything to be examined about a patient he is carefully inspected.

Q. 2449. Do you ask to see the food of the day and compare it with the diet tables over the patients' heads?—A. If it happens to be at a time when diet is being served I can judge for myself, and I do. If it is not the period when any diet is being served I examine the dispenser as to the various articles of diet and I examine the patients in the hospital if they have any cause of complaint.

Q. 2450. When you make that examination of the patients do you do it through an interpreter;—A. If there is no interpreter there, I generally find some patient in hospital who can communicate: I am at no loss so far as that goes. I do not remember a case where a patient had a complaint or had anything to say to me but through some means or other I got at it.

Q. 2451. Would the manager or overseer be with you at the time where such complaints are made?—He might or might not.

Q. 2452. Do you make it known to the patients that you request them if they have any complaints that they will make them to you?—A. I invariably ask if they have anything to complain of. I can assure you that the disposition to complain is there. There is almost no necessity for telling the patients to complain. They will do so. They know who I am perfectly well, and if they have any complaint, whether well or ill-founded, I am sure to hear of it.

Q. 2453. Now with reference to the officers in the hospitals; in addition to the sick nurses is there in general a cook?—A. Certainly, and a washer and a female sick nurse.

Q. 2454. Would it be part of your duty to ask the cook with reference to the diet supplied to the patients?—A. I interrogate one of course more to be trusted than any cook,—the dispenser.

Q. 2455. Does he see all the food given?—A. He is bound to see it given out and weighed.



*Dr. D. Shier.* Q. 2456. Is he also bound to see it given to the patients?—  
1st Sept. 1870. A. Yes, he is bound to superintend its subdivision after it is cooked.

Q. 2457. Next as to the supplies; a large number of estates get their supplies from adjacent Portuguese shops?—A. I believe they do.

Q. 2458. Are you aware that a book is kept by the cook or the hospital stating the amount of the rations supplied from the Portuguese shop to the hospital in those cases?—A. I am not aware of the book, but I have little doubt such a book exists.

Q. 2459. You never ask for it and compare it with the diet list?—A. I will not take the evidence of any book coming into my hands in that way. I fall back upon the dispenser. I have his word on oath, that he has seen the food weighed, which I think is of vastly more value than any book.

Q. 2460. Sir George Young—You put the dispenser on oath, do you say?—A. I say to the dispenser, "If I were to put you on oath are you ready to take it." I have no authority to put any one on oath.

Q. 2461. Mr. Jenkins—With reference to Coolie rice, are you aware of any discontent on the part of the Coolies with respect to the rice generally served in hospitals?—A. Not with the rice generally served. I have known cases where they said they preferred what is called Coolie rice, which is not always to be got I believe.

Q. 2462. There are different qualities of that rice?—A. What I have seen of it is of good quality.

Q. 2463. Are there different qualities?—A. There may be; not to my knowledge.

Q. 2464. Are you aware that before the Coolies eat that rice they consider it necessary to prepare it by trituration, and that they do habitually triturate it themselves, in order to get rid of certain matter that they object to?—A. No, I am not aware of the fact, if it is a fact.

Q. 2465. You have never seen in their houses the machinery they use for this purpose?—A. Oh! in their houses is a very different matter. I may have.

Q. 2466. What I want to get out is, whether the rice is prepared for them in that way in the hospitals; and whether that may

not be a cause of discontent?—A. In the hospital, so far as I know *Dr. D. Shier,*  
it is simply boiled. 1st Sept. 1870.

Q. 2467. Without this previous preparation?—A. I have seen no pounding; what I have seen is that it appears to be simply boiled.

Q. 2468. Can you give any idea what a ration of Coolie diet would cost at ordinary market prices?—A. I cannot; much more valuable information can be got from others than from me on that point.

Q. 2469. Have you ever heard of difficulties arising in the management of an hospital, from the attempts of the friends of the patients to convey food to them?—A. I cannot say food, but I know it is very difficult to keep mangoes and that kind of fruit out of the hospitals.

Q. 2470. My question had reference to necessary provisions?—A. No, but I have heard often of food being put surreptitiously out of hospital. I have known patients put out their bread. On more than one occasion I have turned up a bed and have discovered eight or ten loaves, some of them mouldy. The patient could not eat the diet, but retained it to give to his friends on the first opportunity he had; that I know is a frequent occurrence.

Q. 2471. Have you had reason to complain of want of baths in the hospitals generally throughout the Colony?—A. No, I have not had cause to complain.

Q. 2472. Are there baths in every hospital?—A. There is space for them. I should like very much to see baths more frequently used, but that is a matter which depends on the medical attendant.

Q. 2473. With regard to water, can you explain upon how many estates in the Colony there are water tanks?—A. On almost every estate there is a certain amount of tank capacity.

Q. 2474. Is that for the use of the managers and overseers

*Dr. D. Shier.* or for the use of the Immigrants?—A. In rainy weather I believe it is open to any one who chooses to take it,  
1st Sept., 1870

Q. 2475. You see the drift of my question. I really want to know upon how many estates tanks are actually provided to give the Immigrants a sufficient supply of water?—A. I cannot tell you how many. I can mention several. I can also tell you that at this moment a very considerable number of tanks are on their way out to this Colony. There is one for *Schoon Ord*, 50,000 gallons, and one for *Smithfield*, 30,000 gallons, and one for *Met-en-Meer-Zorg* of like capacity. Many have been erected of late years and I know that many more are to be erected.

Q. 2476. Sir George Young—I think we have in your reports a record of every erection, of a tank or vat on an estate?—A. So far as it occurred during that time of my inspection, I do not know that I have mentioned all the vats except perhaps during that year of drought. I think I mentioned there what the resources of each estate were.

Q. 2477. The circumstance of putting up an iron tank would be mentioned in your report?—A. Upon every inspection.

Q. 2478. Mr. Jenkins—But as a fact we may take it that there are very few iron tanks in the Colony?—A. There are a great many iron tanks.

Q. 2479. For the immigrants?—A. Immigrants have the use of them. I do not mean to say the unrestricted use of them, because if they had the tanks would very speedily be empty. But I know that on a great many estates the immigrants get all the water they require for drinking purposes from the estate.

Q. 2480. Reference has been made to one estate on which there was a great difficulty in getting a supply of water. The witness has mentioned savannah water as good to drink, but that cannot apply to the estates on islands such as Leguan, Wakenaam, and Hog Island. Is there any deficiency there?—A. Not so much as one would imagine. There is an admirable supply of water in the sandreefs.

Q. 2481. Is it not brackish?—A. Not at all. It is perfectly pure, sweet water.

Q. 2482. Is Johanna Cecilia on one of the islands?—A. No, *Dr. D. Miller.*  
it is on the Arabian Coast. *1st Sept., 1879*

Q. 2483. Do you not think there ought to be an ample supply of rain water provided for the immigrants on every estate in the Colony?—A. I think it would be very beneficial if a supply for drinking purposes was to be had on all estates.

Q. 2484. Would the rainfall area of the buildings enable the proprietors to supply it if they erected tanks?—A. My impression is that there is sufficient roofage for the collection of such a supply.

Q. 2485. The President—I thought that it was an admitted fact that the roof of every building furnished water enough for the supply of all the inhabitants of the building?—A. I have very little doubt that there are sufficient buildings to supply the whole of the immigrants with not merely drinking water, but water for cooking purposes also.

Mr. Jenkins—Will the Commissioners ask the witness some question with reference to the difficulties that arise from the paucity of women, and whether he can suggest any remedy?

The President—We have not entered upon that question yet.

Q. 2486. Mr. Cowie—With reference to water, on most estates when they are working, I suppose there must be a great production of condensed water?—A. There is a very large supply. That condensed water was extensively used in the drought.

Q. 2487. Mr. Jenkins—It was used I believe on *Vryheid's Lust* and some other estates during the last drought?—A. Yes, it was used to very great advantage; I believe it was used almost entirely for cooking purposes.

Q. 2488. Have any cases come to your notice of Immigrants being improperly employed during intervals of fever?—A. None have come under my observation.

Q. 2489. Do you think a man would be fit to work during an interval of fever, say of 12 or 15 hours?—A. It depends altogether on the sort of work he has got to do. I can conceive a person laboring under ague for instance, where it would be in no way detrimental to him to do work. For example I had

*Dr. D. Skier.* ague for the whole of last night. I never slept last night, yet I 1st Sept., 1870 have been able to do a little work to-day.

Q. 2490. The President—Were you suffering from ague?  
—A. From ague; I suffer very frequently.

The President—I am very sorry to hear it. I can sympathize with you.

Q. 2491: There is one question I want to ask, in your knowledge of hospital practice, is it not one of the greatest difficulties that medical men have to contend with male hospitals, to prevent the friends of the patients from bringing in food?—A. It is a difficult matter.

Q. 2492 And it is common in all hospitals; I do not mean in the Colony; but in every hospital?—A. It is wherever, I have had an opportunity of examining hospital practice. In all parts of Europe it is so. But it is especially so in this Colony for certain season. In the mango season we as certainly look at an increase of diarrhoea as we know the mangoes are there.

Q. 2493. In the hospitals?—A. Yes; the fruit is smuggled in and we cannot prevent it.

The Commission then, at 5 o'clock adjourned until Monday, the 5th inst., at 10, a.m.

*The Seventh Day: Monday, September 5.*

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The Commissioners took their seats at one o'clock. Mr. Crosby's examination continued.

Mr. Jenkins—Perhaps I may be allowed to hand in a specimen of the papers issued by the Protector of Immigrants in India to the immigrants; it may perhaps be verified by the witness. J. Crosby.  
5th Sept. 1870

The President—We shall find these with the immigrants, I suppose.

Mr. Jenkins—I do not know whether you will. I think they are rather difficult to get.

Mr. Crosby—There are not many of them.

Mr. Jenkins—I wished to draw the attention of the Commissioners to the wages, as stated in the last column.

Q. 2494. Sir George Young—Do you know these papers, Mr. Crosby?—A. Oh! I know what papers they are. I have seen several of them, but I know there are very few brought to the Colony, sometimes the people take great care of them. They do not form any record in the Immigration Office, or are they at any time asked for. These are given to the Immigrants by the Magistrates in the different districts in India.

Q. 2495. Sir George Young—They are sometimes shewn to you but no record of them is kept in the Immigration Office?—A. Yes; we have a similar document to this which, no doubt, when you visit the Immigration Department you will examine. There are very many important documents there which it will be quite necessary to submit to the Commissioners for examination, and I think, if I mistake not, this one as to the rate of wages is not included in the certificate which we have from the Emigration Agent there.

Q. 2496. This last column with regard to the rate of wages

*J. Crosby.* is not included?—A. No; here I see it is from ten annas to two 8th Sept. 1870. rupees per diem, and agricultural occupation is specified.

Q. 2497. Mr. Mitchell—Is that mentioned in your certificates here?—A. I really forget, I think it is very seldom filled up, it is occasionally I believe.

Q. 2498. Sir George Young—Is there any column in the certificate in your office for "occupation"?—A. I think not, if there be, certainly it is very seldom filled up.

Mr. Jenkins—I understood Mr. Crosby to say that the rate of wages was not inserted in the certificate sent from India? Mr. Crosby—No, it is not.

Q. 2499. Sir George Young—Does this correspond with the certificate which is recorded in the Immigration Office?—A. No.

Q. 2500. Might I ask, whether you would not consider that a sort of contract with the Immigrant made out of this Colony?—A. I consider it was upon this representation that they came to this Colony. It is a statement made by the Magistrate in India to the Immigrant, when he is taken before the Magistrate under Act 16 of 1864, by the recruiter; because this is presented to the protector of Immigrants on his arrival in Calcutta.

Q. 2501. This is the representation made to the Immigrant on which he comes here?—A. Yes; 10 annas, I believe, is 1s 3d.

Q. 2502. In this Colony it would not be considered as a contract, because such contracts are rendered invalid by legislation? Is it not so?—A. There is no contract, in fact, made in India with the Indian immigrant.

Q. 2503. None acknowledged in this Colony?—A. None.

Q. 2504. It may be a question whether this is not a contract in India?—A. This is not looked upon as a contract. It is not presented to us. We know nothing about it in point of fact. I believe it to be very seldom that they possess them on their arrival. I dare say many are very careless of them, but some preserve them with great care.

Q. 2505. Then in answer to my question whether this could be recognised as a contract in this Colony, you would say, certainly not?—A. Certainly not; I have never compared, strange

to say, such a document as this with the certificates which come from Calcutta. I never compared one with the other, I never recollect an instance which an immigrant on board a ship or at any subsequent period gave me such a document as this in order to compare it, or for me to consider of it. I should like very much to have one of the certificates here from the office, exceedingly.

*J. Crosby.*

*5th Sept. 1870*

Q. 2506. Could you send for one?—A. They could be easily obtained, if you will be kind enough to send for all the papers connected with the last ship that immediately preceeded my leaving the department.

Sir George Young—Just write on a piece of paper the document you wish to send for and we will send.

Mr. Crosby—There is a still more important matter, I think, with respect to wages, and that is the want of knowledge by the Immigrants when they come here of their being under contract to remain ten years certain, and I state that —

Sir George Young—I think we had better take that in its order as we go through the evidence.

Mr. Cowie—I do not know, sir, whether Mr. Crosby has been asked how long this register or whatever it should be called has been in its present shape, as regards the ten annas and two rupees.

Mr. Crosby--That I cannot say. There are some papers occasionally sent from India which are considered of no use, but which are sometimes forwarded to me from the Magistrates in the different parts of India. We treat them as nullities; they are really of no service, and as generally they cost two or three shillings postage, we send them back to the Immigration Agents, saying they are literally of no value and had better be stopped. However, they are continually sent, but not always; it is only now and then that they are sent and as they are made out so as to give us very little information, they are of no value; but these documents, I think, will throw some light upon the certificate, because into it ought to be transcribed each man's name and a complete description of himself ought to be set forth similar to that in the returns sent to me; that is, if it is to be of any value. It may be sent either to me or to the Immigration Agent at Calcutta. To me, in this Colony, it would be of no value.

Q. 2507. Sir. G. Young—I must ask one more question



*J. Crosby.* with regard to the legislation upon the subject of Chinese indentures.  
5th Sept. 1870

Mr. Crosby—I went yesterday——

Sir George Young—Would you allow me to begin with this?  
—Would you refer to the Act of 1859?

Mr. Crosby—I went yesterday to obtain the Chinese indentures of which I have always one out of each ship and I went yesterday to the office to get them but I understood they had been sent to yourselves.

Sir George Young—Would you refer to Act 14 of 1859.

Mr. Crosby—That was never acted upon, I think.

Q. 2508. Sir George Young—Can you explain the circumstances under which that Act was passed?—A. It has reference to Act No. 17 of 1858.

Q. 2509. But the circumstances—I mean those mentioned in the preamble?—A. Yes. I recollect, although somewhat imperfectly, that this arose out of the immigrants either having food and a certain rate of wages \$4 a month, I think, if I mistake not in the early contract.

Q. 2510. Mr. Mitchell—In the original contract?—A. Yes; in the original contract. I think you will find in some of the early ones they were allowed to commute at the end of each year, either the first, second, third, or fourth. But I am speaking from memory, I have not had occasion to look at them perhaps for four or five years, and then I think there was some little alteration in the contract.

Sir George Young—I want to know what the informalities were in the contracts that prevented them being carried out.

Mr. Crosby—I knew nothing about the passing of Act at the time, and I am not aware of there being any such impracticability. I am not aware of the contracts being so imperfectly drawn as to render the substitution of these new contracts, and I think, if I recollect aright, when this Act came into operation, I went to the Attorney General and remonstrated against it. I think this Act never was acted upon except in some few instances in the early part of 1869. There were a few contracts drawn and made out, but, I think, if I recollect

right, that I was extremely averse to it, and considered that the contracts entered into in China were the binding contracts and could not be deviated from, and that No. 14 of 1859, became in consequence a complete dead letter. I do not think you will find a single contract entered into by virtue of this Act now in existence. If my memory serves me there are very few if any.

Q. 2511. When you say the contracts in China were binding ones, do you mean morally binding?—A. I do not think they could be altered by a subsequent enactment with any degree of fairness. I think the Act No. 19 of 1860 facilitated a change in the indenture of the Chinese; and if that was acted upon, I think it might have been beneficial; but the only change allowed was one for their advantage.

Q. 2512 The President—You told us the other day you had no seat in the Court of Policy. Who takes care of the immigration bills there?—A. That is where the great difficulty exists. Unfortunately there is nobody to represent the interest of the immigrants, and there is nobody who really knows anything about it.

Q. 2513. Then the bills are step children?—A. They are brought in generally by the Attorney General; but it is not possible for the Attorney General, if he were the most intelligent man in creation, to know how the whole details of the Immigration Department are conducted and carried on, and there is no other person who pretends to it. I may say this in respect to that matter. I recollect Sir Philip Edmund Wodehouse and myself having some conversation on the subject of the immigrants not being represented and the head of the department not being in the Court of Policy—without any reference to myself, because I had no inclination whatever to go into the Court of Policy—and I stated that I thought the head of the department ought to be there, representing so important an interest and an institution of the country which then was and still is its very great support and its most material support, and without which the present state and condition of the Colony could never have been attained. His answer was "Yes; it is very true, the Immigration department is the most important in the Colony;" but he said the Immigration Agent General's salary depended on an annual vote. The Administrator General, who was at that time Mr. Daly, received his emolument by fees and was therefore independent of the Court of Policy, and that was the reason why it was considered more advisable that he should be sent there than any other official. At the time neither the Auditor General nor the Treasurer, (the Receiver

**J. Crosby.** General, I should say,) that is, the persons holding those 5th Sept 1870 appointments, were members of the Court of Policy. Of course it has been, there can be no doubt, I am not speaking in reference to myself or any absurdity of that sort, but there is no doubt it has been a very serious disadvantage to the community, especially, in the passing of the Ordinance No. 4 of 1864. I have no hesitation in saying that Mr. Hincks, who was Governor at that time, understood the question better than any body else. The Attorney General had not a great deal to do with it, during pretty nearly the whole of 1863, if I recollect right; he was on the bench as Acting Chief Justice and the bill was unfortunately tossed about for nearly a year and a half with no one to take charge of it.

**Q. 2514.** Sir George Young—Will you refer now to the Act No. 19 of 1860, clause 1, the repealing clause. Among those clauses is section 45 of Ordinance No. 7 of 1854. Will you oblige me by referring to clause 45 of Act No. 7 of 1854.

**Mr. Crosby**—That was the basis of —

**Sir George Young**—You see it has reference to certain returns of imprisonment.

**Mr. Crosby**—It was never done.

**Q. 2515.** Sir George Young—Those returns were never made?—**A.** It was never done, and is not done now.

**Q. 2516.** Sir George Young—It is repealed now?

**Mr. Crosby**—Yes; but I mean anything that was substituted for it.

**Q. 2517.** Sir George Young—The Stipendiary Magistrates never gave such returns?—**A.** Never.

**Q. 2518.** You say nothing which has been substituted has ever been done since, to what do you refer?—**A.** To all those returns from the Stipendiary Magistrates every 8 months; returns are made in the cases occurring upon referring to the relation between masters and servants, and in none other.

**Q. 2519.** Sir George Young—This refers to the Immigration Acts?—**A.** I do not think under that Act it was ever done.

I think it is only within the last two or three years the return has been made, as between masters and servants. *J. Crosby,*  
5th Sept. 1870.

Sir George Young—Excuse me, but this appears to be a different subject.

Mr. Crosby—Yes; it is I should say.

Mr. Cowie—Do you mean cases not referring to immigrants?

Mr. Crosby—Oh! no; between employers and employed under No. 4 of 1864. I do not mean under the Act 3 of 1853. I am speaking merely of immigrants.

Q. 2520. Sir George Young—A return has been made of all cases as between employer and immigrant?—A. Yes; those are the only ones we have. We have no returns, strange to say, from the Criminal Court of any description.

Q. 2521. The President—Not that under section 81 of No. 4 of 1864?—A. No; that register is incomplete and is not kept for this reason; no return is made now from the jailer, that was to some extent done away with, not de facto but practically.

Q. 2522. Sir George Young—It was practically superseded by the returns from the estates?—A. Yes, and the reason is that these returns are perfectly useless. I will give you an example, I accidentally turned up one within the last two or three days.

Q. 2523. The President—Why are these returns not made, do you say?—A. They are absolutely useless for this reason, because neither the magistrate nor any one else takes the trouble to obtain the identity of the party convicted of any offence or is sent to jail to be tried by the Court, except in very few instances; indeed I think I can put my hand on two or three which will show at once the difficulty.

Q. 2524. Nobody takes the trouble to identify them?—A. No, they are called by any names.

Q. 2525. Sir George Young—You mean by ascertaining their identity, ascertaining the number of the Immigrant in the Immigration Office?—A. Yes; his number, and his name being correctly spelt. Sometimes there are six or eight or ten persons of the same name in the same ship. We consequently want their ages and their fathers' names,

*J. Crosby.* Q. 2526. The number would be sufficient, I suppose?—A. Hardly ; but the number and the ship and the year of the arrival would enable us to discover accurately the man's indentity.

Q. 2527. You say these returns are absolutely useless?—A. Because they are so imperfectly made up. I will illustrate it in a moment if I can lay my hand upon it. I did this very hurriedly this morning. I know I have it somewhere. Jail returns, No. 33 ! oh ! here they are. You will observe, if you please, one clause in my copy of the Acts, which I think one of you gentlemen has ; opposite that very clause to which you have drawn my attention, I have said "repealed" by 13 of 1866. It was not repealed.

Q. 2528. Sir George Young—The clause which prescribes the register of imprisonments do you mean?—A. Yes ; the registration of imprisonment. Here is a return which was sent :—

*Monthly return of Immigrants who have died " in Prison."*

"Chang-Sing," No Ship. No year of arrival ; No Plantation ; date of death 30 July ; cause of death, debility ; deceased convicted of stealing a Goat, the property of one Gomes of Pln. *Zeelugt*."

How was I to ascertain and record the death of this man. It was a physical impossibility. I sent in a minute to the government. (The witness read the minute). The consequence was that I was obliged to write and make inquiries. I got an answer and I was enabled to identify the man. I am only adducing this by way of illustration. If you were to see the returns subsequently to No. 4 of 1864, and up to No. 13 of 1866, you would scarcely believe it to be credible. I am pretty confident that I could almost prove, that, according to returns, men have been hanged who are now living, and that a great number have been sent up to Massaruni who never saw the place. You will then understand the condition of our records in consequence of not having proper information.

Q. 2529. The President—Then if a man is alive who ought to have been hanged, who was hanged in his place?—A. That is what we want to find out, because he is gone, poor man, he is subject to no personal examination, and we do not know who he is. (Laughter.) These matters excite a little risibility, but they continually happen, and it is perfectly impossible for the records in our office to be such as they ought to be. I went on an estate on one occasion, where I think there were seven women of the same name ; if I mistake not, four of them were represented to have died, and three of those who were represented as having died

were then before me ; that continually happens.

*J. Crosby.*

5th Sept. 1870.

The President—That does not appear to me to be anything extraordinary. I do not mean three women who were dead being alive, but that there should be seven women of the same name. Their husbands' names were probably not the same, and a woman is always known by her name, and the name of her husband ?

Mr. Crosby—Or her father's.

The President—A married woman does not like to be known by her father's name ?

Mr. Crosby—They always are with us. We state their own maiden name, and their father's name, but the fact of persons represented to be dead who are not, creates great difficulty every time returns are sent in from the different estates.

Q. 2530. In the case in which that very faulty monthly return was sent to you, what notice did you take of it to the person who sent the return. Was it from a jailor ?—A. Yes, but he had no means of obtaining information. At one time it was tried to make the jailors responsible. A man's whole time would have been taken up in getting the information.

Q. 2531. Sir George Young—To go back to the question from which all this started, clause 1 of 19 of 1860, when this return ceased to be asked for from the magistrate, was there then any other return in existence which was substituted for it ?—A. There was a return made out, I think, in consequence of a report made by the Secretary of State.

Q. 2532. I do not mean any special return, but when this regular return ceased to be asked for was there any register which was supposed to supply its place ?—A. Only that from the estates every 6 months.

Q. 2533. And after 1864 a register from the prisons of those that died ?—A. Yes, they were sent in for some time until the passing of the Act 13 of 1866.

Q. 2534. Since 1866 these prison registers have fallen into desuetude ?—A. Yes. The jailor from Essequibo has sent them in with tolerable regularity, but I recollect that a letter was written while I was on the bench to say that it was unnecessary, that they were not called for, and that No. 13 of 1866 repealed the necessity of sending them in.

*J. Crosby.*  
*8th Sept. 1870.*

Q. 2535. From the Executive?—A. No, not from the Executive; from my locum tenens, at the time when this Act came into operation; and although I saw it was not really repealed, I let it pass, because I knew of a certainty that the jailors never could do it unless the magistrates took very carefully the description of every particular convict.

Q. 2536. The President—Were these returns of absolute necessity when making out the times of the reindentures of Coolies?—A. No, but they were necessary as a matter of statistics.

Q. 2537. Were they read in re-indenturing?—A. That was generally done upon the Estates, and we are guided by the Estates' Registers.

Q. 2538. Then these returns were not of any importance?—A. I do not think they were of any great importance, only as a matter of statistics, and we have had none from the jailors practically, that is, of imprisonments; the death returns come in still every month.

Q. 2539. Are there any other returns except the estates' registers to guide you in determining as to whether a man ought to be reindentured; because it is really a reindenturing for a further term of service?—A. No, we have no return.

Q. 2540. You have nothing to depend upon except the Estate's Register?—A. Nothing to depend upon; those from the jailors would be of great advantage, if they could be depended upon, but they could not be.

Mr. Cowie—Perhaps the Commission would ask Mr. Crosby for how many years the returns from the estates have been sent in?—A. Oh! from the very earliest period. At all events from the date of my appointment, the first of July, 1858. And I may say also, they have been gradually year by year, and half year by half year improving, greater pains are taken certainly every six months; and the reason of that is, that we have had to send them back sometimes five or six times to get them correctly sent in. I am sorry to say sometimes the estates are so careless they are obliged to send to us to know what they sent in to us six months previously, they ask for a loan of their last return, as they did not know the number of people they had at the time.

Q. 2541. Sir George Young—You say there has been a considerable increase in the amount of information required since

1866?—A. Yes, the information has been greater year by year almost. J. Crosby.  
5th Sept. 1870.

Q. 2542. Referring to Act No. 13 of 1866, were all these tables in the Schedule of that Act required before?—A. No, I think not; but even that was by no means perfect. You will find there is little difference between those and the returns sent in in pursuance of Act No. 7 of 1864, under No. 7 of 1854. All desertions were to be sent in, but it was never accurately done.

Q. 2543. All desertions are sent in now, are they not?—A. No; we have no returns of desertions or of imprisonments sent in, they are entered on the records of the estates themselves.

Q. 2544. Mr. Mitchell—Is there not a column for desertions in the half-yearly returns?—A. No.

Q. 2545. Mr. Cowie—I cannot help thinking Mr. Crosby is under some misapprehension. Surely from the estate there is a return of desertion?—A. I think not.

Q. 2546. The President—Refer to Schedule No. 2?—A. Yes; a register of imprisonments is kept on the estates.

Q. 2547. Sir George Young—In the half-yearly returns at the bottom of the page?—A. Yes.

Q. 2548. The President—Of those who have deserted during the half year?—A. Yes. These returns are very much more carefully made up now than they were, they come in and they are acted upon.

Q. 2549. Sir George Young—We want to know how much of this half-yearly return in Schedule No. 2, Act No. 13, 1866, is sent in, and how much is not sent in?—A. It is very fully complied with —

Q. 2550. I do not mean the register; I mean the half-yearly return, is that regularly kept and sent in?—A. Oh! yes, that is carefully done now, as I said before; year by year it is much improved.

Q. 2551. You say many of these returns have to be sent back?—A. Oh! yes, very frequently.

Q. 2552. Is there no clause which provides a punishment when they are incorrectly made?—A. There is a clause where the return is not sent in.



*J. Crosby.*  
5th Sept. 1870.

Q. 2553. But not where it is incorrectly done?—A. In 1865 I endeavoured to take proceedings, I got the informations all printed, but when I came to look at it I did not like to run the risk of a prosecution, because I think we should not have obtained a conviction ; that part of the Act is inoperative I am afraid.

Q. 2554. You refer to clause 8 of Act 13 of 1866 ?—A. That refers to the Immigration Fund. Clause 84 of Ordinance 4 of 1864 says that " Every employer of immigrants shall on or before the 14th January and the 14th day of July in each and every year make out and deliver to the Immigration Agent General a return in writing of the number of each description of immigrants in his circus on the last day of the preceding month. And such returns shall be in the form No. 25 in the Schedule B, hereunto annexed, and shall be correctly filled up according to the sundry headings therein set forth." You see there he is compelled within a certain period to make out and deliver a half-yearly return, but I think if you look at the 89th clause, where the penalty is for the non-observance of any of these things, you will see that it is for a different offence from that which is created here : it reads, " if any employer, officer, or person, mentioned in any of the sections of this part of the Ordinance, shall neglect or refuse to send to the office of the Immigration Agent General as aforesaid, any such returns, statement, or certificate as aforesaid, every such employer, officer, or person, shall be deemed guilty of an offence, and on being convicted thereof shall pay a fine not exceeding the sum of \$24." The punishment you see is for neglecting or refusing to send the returns.

Q. 2555. In the one case it is " make out and deliver," and in the other it is " send" ?—A. Yes, and the consequence was that I dare not take proceedings. I got all the informations printed and was going to send them out. I drew the information on the 84th clause without looking at the penalty, but when they came in on looking at the 89th clause I said, "after all, it is no use attempting this." Therefore I had no means of enforcing the return; or else you may depend upon it I should have all the returns in by the 14th January and 14th July each year. As it is they are sometimes not completed for four months.

Q. 2556. Sir George Young—Referring to section 8 of the Act 13 of 1866. Is there any reason from preventing that clause operating?—A. The clause was perfectly unnecessary. There was ample means in the existing Act, if persons would only take the trouble to take proper proceedings. " So much of the provisions

of the 124th section of the aforesaid Ordinance as relates to allotments of wages.

*J. Crosby.*

5th Sept. 1870.

Q. 2557. Sir George Young—You have not got the clause I refer to. I refer to the Act 13 of 1866, section 8th. “Any Manager who shall neglect to make in any of the registers hereinbefore described, any entry which by this Ordinance is required so to be made, or who shall knowingly make any false or incorrect entry in any such register, or who shall neglect or refuse to make on any Provisional Certificate the endorsement required by the 4th sec. hereof to be so made, shall on being convicted thereof, be deemed guilty of an offence and shall pay a fine not exceeding \$24”?—A. That clause has been of service in one or two instances where parties have refused to make the endorsement on what we call the provisional certificate.

Q. 2558. The President—Endorsement is the same as indorsation is it?—A. Yes. It is the endorsement under that Act. I never knew of this Act being passed until I returned back to the Immigration Office, after being absent. I very much regretted it for some reasons which probably may be explained.

Q. 2559. Sir George Young—Do you remember if the standing orders were suspended in order to pass it?—A. That I really cannot say, but the record of the Court of Policy will show. Now you can easily see how it is that the Immigration Department has not been able to get proper returns from the estates, and it has very often happened that if the manager is changed towards the end of the year, there are great excuses made, the old manager goes away in a hurry, leaves everything in a confusion, the manager who succeeds finds it so, and sends to say that the returns cannot be made out in a satisfactory manner. There ought to be a penalty on the man going out if he went within seven days of the end of the year and upon the man coming in, if he did not make a return within seven days, because the most important thing a manager has to do is to ascertain what labor he has at command to work the property. There was provision made in the draft Bill of 1864.

Q. 2560. Under section 8 of the Act 13 of 1866, I understand you to say that no proceedings have ever been taken?—A. No, they have been threatened about the endorsement.

Q. 2561. With regard to the registers?—A. These were made

J. Crosby. evidence during my absence from the office, and I very much  
5th Sept. 1870 disapproved of their being so made.

Q. 2562. You say those registers have often to be sent back four or five times for correction?—A. No; that is the return not the register. The registers are kept upon the estates.

Q. 2563. Do you consider this section 8 does not refer to the half-yearly returns?—A. No; it refers to the register that is kept on the estate.

Q. 2564. Is not a "return" a register which is "returned"?—A. No; the register is kept for the information of the estate and ought to be a fac simile on the estate of the records in the Immigration Office, but what I disapprove of is, the register being made actually evidence in a court of law.

Q. 2565. That is another point. Let us confine ourselves to the register. My question was whether you have found if these registers were kept correctly?—A. They are not; they are perhaps generally; three-fourths of them may be, but not all; it has been a very difficult thing; they never come under the cognisance of the head of the department; that is why I object to their being made evidence.

Q. 2566. Has any prosecution of a manager for keeping the register incorrectly ever taken place?—A. Never; the registers could only be in point of fact for the personal convenience and the use of the estate, and ought not to be by any means an authentic document, as regards the Immigration Department because it is almost an absurdity to make that a record of the department which the head of the department has no access to.

Q. 2567. The President—Then what have you got to depend upon to carry out the object of the 94th clause, which provides for the renewal of the indenture where the immigrant has been imprisoned?—A. When the Agent visits the estates he then makes inquiry and it depends upon the correctness of the inquiry whether he renews the indenture or not. He must have the best evidence he can obtain on the spot. And I admit that it is a very great responsibility and ought to be most carefully carried out. If the Sub Agent has evidence before him that a man really has deserted from an estate, or that a man has been imprisoned for a certain period of time, you will see that on his half-yearly visit, previous to the termination of the indenture the Agent has the power of renewing the indentures so that the immigrant shall make up the full period of service.

Q. 2568. The President—But you have nothing really to depend upon, but the register on the Estate. Have you anything to depend upon, but that?—A. I should not myself depend upon the register. J. Crosby.  
5th Sept. 1870.

Q. 2569. Have you anything else to depend upon?—A. Nothing but the good faith and sincerity of purpose of the manager and the statement he makes concerning the desertion or imprisonment; he produces his books to shew that a man left the estate on this day and returned on that, or that he was imprisoned by the magistrate at such a period for so many days and at another period for a different term.

Q. 2570. Now how could you corroborate that, supposing it became necessary?—A. I could only corroborate it by having the conviction of the magistrate.

Q. 2571. And you apply for that?—A. I think the Magistrate ought to be obliged to give us a certificate of his conviction.

Q. 2572. In making this most important inquiry, do you as a fact require it?—A. No. It is entirely dependent on the manager, upon the facts and the documentary evidence he is capable of producing; nothing else.

Q. 2573. What documentary evidence is there besides these returns?—A. The books they keep on the estate.

Q. 2574. Mr. Mitchell—Do you allude to this register?—A. No, I do not myself, but I have no doubt the registers are referred to by the Sub-Agents.

Q. 2575. Sir George Young—You mean the ordinary business books of the estate?—A. Yes, I should regard the business books of the estate myself as a greater security than the register, I have not, I am sorry to say, very much confidence in the register. Some very painstaking men, such as Mr. Kelly and other gentlemen, I have no doubt keep such registers with great exactitude, but I am afraid they are not generally so kept.

Q. 2576. Mr. Kelly, what estate is he upon?—A. He is upon the *Albion* estate of Berbice, and there are many others, I have no doubt, but I am afraid there are some registers which are very carelessly kept, that is the circumstances are not entered up; the mortality and the like. But I think it is very possible the Sub-Agents might give information to show that that is a matter which is greatly improved lately.

*J. Crosby.* Q. 2577. The President—It is all within the Sub-Agents' cognizance?—A. It is all in the Sub-Agents' duty, but I am sorry to say not quite sufficiently under the control of the head of the department perhaps.

Q. 2578. Sir George Young—A very important change upon this point was made by the Act 13 of 1866, section 5. Can you explain what the cause of that change was?—A. I am sorry to say I cannot. It only carries it a little further in my opinion; it does not add to its force at all, it only requires the manager of an estate to give a certificate under his hand; he gives that, and the indenture is renewed.

Q. 2579. Mr. Cowie—Would the Commissioners mind asking here, whether when the Sub-Agents go to the estate on their half-yearly visits they do not take the original registers with them from the office?—A. Oh! they take with them what we call the district records.

The President—We had better get that from the Sub-Agent.

Mr. Cowie—I understand that the estates' registers are checked with the office registers.

The President—We shall get it better from the Sub-Agent.

Mr. Jenkins—Will the Commission ask whether that section 5 of the Act 13 of 1866 does not preclude the Sub-Agents from looking into the district records and bind them simply to verify the managers' statement by the estates' register.

Q. 2580. Sir George Young—Is that your opinion upon the reading of the clause Mr. Crosby?—A. It really does appear so. "If any manager shall claim under the provisions of the 94th section of the aforesaid Ordinance, the extension on renewal on account of desertion or imprisonment of the indenture of any Immigrant, such manager shall be bound to shew by such register to the satisfaction of the Immigration Agent General that the Immigrant in respect to whom he claims has while actually under indenture, or renewed indenture been imprisoned or been a deserter or both for a period in the whole equal to the period of renewal or extension so claimed." Therefore the register does appear to be the foundation of it. That is an additional reason why I so strongly disapproved of this register being made evidence.

Q. 2581. What is the meaning then of, "if satisfied of the

truth of such declaration"?—A. I really cannot say in what *J. Crosby,* manner he should be satisfied, unless he looks at the books *5th Sept. 1870* for further satisfaction. I do not see what means he has of inquiry or knowledge except that means, and by any verbal examination he thinks proper to make. "Such manager shall be bound to show by such register to the satisfaction of the Immigration Agent General." I think he ought to be obliged to show by other means beside that.

Q. 2582. The President—But then after he has done that he is to make and sign a declaration thereupon; but not otherwise. The Immigration Agent General, if satisfied at the truth of such declaration, shall extend and renew such indenture"?—A. He must feel a conscientious conviction that the statements made by the manager are correct, and that the register represents the facts as stated by the manager, upon that he renews the indenture.

Mr. Crosby then handed in copies of papers received from Magistrates in India, duplicates of which are given to the immigrants, and stated that in those papers the wages of immigrants in this Colony were stated to be from ten annas to two rupees per diem, precisely the same as in those handed in by Mr. Jenkins. He added that it was his custom on receiving these papers to pile them up and put them away as entirely useless.

Q. 2583. The President—Then the registers of the immigrants produced by Mr. Jenkins appear to be a transcript from this?—A. As in fact they ought to be, of course.

Q. 2584. Sir George Young—These documents become records of your office?—A. Oh! yes, I sent for them just now, but they are no guide to us.

Q. 2585. The President—I think you told us you were in the habit of sending them back being of no use?—A. They are really of no use, because they only come occasionally.

Q. 2586. Don't you get them from the Protector of Emigrants also?—A. No.

Q. 2587. Nor from the Emigration Agent?—A. No, nothing but these certificates and in every one of these I see the column for "occupation" is filled up by the words "agricultural labourer." The "bodily marks" are supplied in the certificate.

Q. 2588. The certificate that you receive from the Emigration

**Mr. Crosby.** Agents contains all the information in these registers, and further 5th Sept. 1870. remarks as to any marks of identification?—A. Yes.

Q. 2589. But it omits the rate of wages?—A. Yes. I really had thought the occupation was also omitted. I had forgotten that although I had seen so many thousands of them. But that is of very little importance. The only fact which strikes me is whether they are able-bodied or whether they are afflicted with any disease.

Q. 2590. The President—Section 42 of the Indian Act No. 13, of 1864, requires that “after the examination in the last preceding section provided and if the Medical Inspector shall have given a certificate of the fitness of the Emigrant to emigrate, the Emigration Agent shall deliver to the Emigrant a pass countersigned by the Protector of Emigrants as hereinafter provided, stating the name and age of the Emigrant and the age of his father and certifying that he is in a fit state of health to emigrate to the place to which he has contracted to go.”

Q. 2591. Do you ever require those passes from the Immigrants?—A. These are the papers.

Q. 2592. You do not know anything about that pass?—A. I do not know anything about it.

Q. 2593. Do you imagine that that register Mr. Jenkins gave in may be that pass?—A. I should say not, because that is from the magistrate of the district where he is recruited, not from the Protector.

Q. 2594. These are countersigned by the Protector?—A. I suppose each of the immigrants has one of these.

Q. 2596. Do you think that is the pass?—A. I should think so. We never ask for them. These documents are literally of no use to us. If it were an established custom that these other small ones that are given to the immigrants were delivered up to us on arrival, they would be of use, but we could not take them away from the immigrants.

Q. They would be of what use?—A. They would enable us to identify the people by the description given, that is all.

Q. 2597. Sir George Young—I want to recall your attention to the subject we were upon when these papers arrived. I want you to compare the 94th section of the Conso-

lidated Ordinance with section 5 of the Act 13 of 1866. You will observe that section 94 of the Consolidated Ordinance provides that no immigrant shall have his indenture renewed if he has been acquitted of the offence of which he has been charged?—A. Yes, “provided always that no such immigrant shall have such indenture renewed or be compelled to perform such further service, if he shall be acquitted of the offence charged, or if the Criminal or Civil process or proceedings under which he was imprisoned, shall have been subsequently satisfied or discharged.” J. Crosby.  
5th Sept. 1876.

Q. 2598. In section 5 of Ordinance No. 13 of 1866, the manager is required to make a certain declaration, but it takes no notice of acquittals, does it?—A. I am very much afraid it was intended that this section 5 was to be acted on as if it was a repeal, and that in point of fact it operated as a repeal of section 94 of the Consolidated Ordinance. I have always considered that section 94 was preferable to it.

Q. 2599. Do you think it in point of fact operated as a repeal of section 94?—A. I think it was so treated, and that the clause might be said to operate to that extent.

Q. 2600. Then, at present, if an immigrant has been acquitted there is no remedy, his indenture is renewed? I am only referring to the system, not the practice?—A. There would not be if it did so operate. If section 5 was to be the whole guide of the Agents in their half-yearly visits it certainly would exclude the proviso in section 94. The fact is there is a want of unionism between the two statutes.

Q. 2601. And even if it does not operate as a repeal of the previous section, what in the system is the protection of the Immigrant now?—A. Nothing but the inquiry of the manager himself.

Q. 2602. Inquiries made of the manager?—A. Yes. I will not say that inquiry is made of the manager, but I say the manager is the only person to give information.

Q. 2603. But the manager is only bound to allege that the man has been in prison; he may then claim the renewal of the indenture. Suppose a man is imprisoned and acquitted, has he any protection?—A. I think the managers would in fairness state whether he was acquitted of the offence; beside it would only be the loss of a few days probably, at least if the man was tried before a magistrate; certainly, if before the higher



*W. Crosby.* court, it might comprehend a period of some months, and  
 24th Sept. 1870 the absence ought not to be recorded against him. But then the question arises, whether section 5 of Ordinance 18 of 1866 operates to exclude him from the benefits of the proviso in the 94th section of the Consolidated Ordinance.

Q. 2604. Mr. Mitchell—Would he not be entered in the muster roll as a deserter while he was in prison?—A. His name would not be there as a deserter; it would appear that on that day he was in prison or left the estate by process of law.

Q. 2605. Sir George Young—When he returned, would it be shewn on the muster roll that he was acquitted?—A. I take it for granted, that fact would appear; at all events, the manager, or some one on the estate, would state that he was acquitted. The Act is defective probably in that respect.

Q. 2606. Mr. Mitchell—Section 118 of Ordinance No. 4 of 1864, or elsewhere, provides that “any immigrant under indenture who shall be absent without leave at the daily calling over the names of the immigrants at the muster roll, and absent from work for the space of seven days, shall be taken to have deserted from such plantation. Would he not be absent more than seven days if in prison?—A. Certainly; but then, he would not be a deserter, I should say; no doubt, in making the person absent from the muster roll and from work, the word “a deserter” is merely a term, because you are well aware that whenever a party is said to “desert” there must be some overt act, something to shew that he leaves his employment without the intention of returning. That is particularly observable under the Merchant Seamen’s Act. In order to avoid that difficulty and to enable the person to be punished who has neglected his duty for seven days, he is said to be a deserter. It is a mere term, it does not mean to imply that he wished to leave the estate altogether, but that he went away from his work without leave and was absent for seven days.

Q. 2607. Sir George Young—There is another class of persons, those who might be accused and imprisoned, and the cases then compromised. Supposing an immigrant was accused and imprisoned and afterwards the case was compromised, is there any protection for him from having his indenture prolonged?—A. None other than that provided by the 94th section of the Consolidated Ordinance.

Q. 2608. Then in that case an Agent who was satisfied of the facts would be bound to prolong the indenture?—A. Yes; I

think he would if he were quite satisfied with the facts, and I think properly so.

*J. Crosby.*  
5th Sept. 1870.

Q. 2609. By compromised, I mean that the manager declined to proceed with the prosecution?—A. Yes. He ought not under such circumstance count the time against the man.

Q. 2610. But would he not be bound to do so under section 94?—A. No. I do not think so. If the manager compromised it after a term of imprisonment, that would be a compromise which certainly never has occurred that I am aware of. When you speak of a compromise you mean—

Sir George Young—Merely that a man has been accused of some offence under the Ordinance; the manager has him imprisoned, and then forgives him, so far as not to proceed with the prosecution, or for other reasons which appear to him sufficient, declines to proceed with it.

Mr. Crosby—Oh! it is very frequently forgiven and overlooked. If there are short terms of imprisonment against the man and he is about to enter on another term of service it is constantly overlooked.

Mr. Mitchell—But suppose he is not about to enter into a new indenture, but is about to leave the estate.

Mr. Crosby—Then it would depend upon the manager whether he would overlook it or not, but if he does not overlook it he must intimate that before the term of service expires at the last preceding visit of the Immigration Agent before the expiry of term of service, that is the only time at which it can be done, at least such is my opinion.

Q. 2611. The President—Can you tell us how many of the registers and statistical returns mentioned in part 8 of the Consolidated Ordinance are kept.

Sir George Young—Beginning at section 73.

Q. 2612. The President—The annual return, is that kept?—A. Oh very accurately. I have one now, the last.

Q. 2613. We will ask for it afterwards. The register of applications?—A. Is very carefully kept, all numbered and recorded in strict accord with the Act.

*J. Crosby.*

5th Sept., 1870

Q. 2614. The register of immigrants mentioned in section 75 ?  
—A. Those are all kept, as you will see, in the Office, numbered carefully. There is a register of the Indians from Calcutta and Madras, a register of Chinese, a register of liberated Africans, and a register of Barbadians.

Q. 2615. Section 76, the register of immigrants indentured ?—  
A. Oh ! yes, that is also carefully kept ; these registers are what we call district registers ; they are those which the Sub-Agents carry with them. These are what we call the record books.

Q. 2616. Are the record books the same as what you call the district registers ?—A. Yes, they are the district registers, they have been somewhat modified since this Act came into operation.

Q. 2617. Section 77, the marriage register ?—A. That is very carefully kept.

Q. 2618. Sir George Young—Under what Act were these record books modified ?—A. Well they have been changed by circumstances in a slight degree, and by degrees. The registers mentioned in 77 and 78 also are very carefully kept.

Q. 2619. The President—With regard to the marriages of Coolies, there is a law prescribing monogamy : is there not, in this Colony ?—A. The Ordinance governing that is No. 10 of 1860, the Marriage Ordinance, that is the only Ordinance having reference to the marriage of these Coolie immigrants ; they are certainly in operation by this circumstance, that both the husband and the wife must be heathens. It does sometimes happen that of two persons desiring to be married, one is a Christian, the other a heathen ; then the marriage cannot take place.

Q. 2620. Such marriages are not recognized by the law ?—  
A. No, that is a defect in the Act. Mr. Scott has been anxious to have that remedied, and I was about to remedy it.

Q. 2621. Among heathens ; do you include Mohammetans ?—  
A. Yes, all persons of that description.

Q. 2622. Have they ever objected to the clause against bigamy ?—  
—A. No, I have never known the question raised. I have never known a case of what may be really called bigamy. A man cohabits with several women in succession, probably having married one, but he does not attempt to marry the others. The Marriage Ordinance might be made, I think, a very beneficial enactment. I have had several very interesting cases under it, but the

Act does not meet the circumstances which exist in this Colony at present, and therefore has not been so beneficial as we could wish. J. Crosby.  
5th Sept. 1870.

Q. 2623. You think, then, that Act No. 10 of 1860 requires amendment?—A. Yes; very considerable amendment to make it work beneficially. I tried to bring into operation clauses 11 and 12, but not very successfully, thinking they would have a very considerable effect on the wife-murders that have taken place. I have had two or three very interesting inquiries before magistrates with regard to the construction of this Act, and I have reported on it several times. I reported on it in 1863 or 1864. I think I have a record of two cases in my canister now—very interesting cases. One took place about a year ago.

Q. 2624. Will you give these two cases you refer to?—A. I shall be very happy to do so. One was a Chinese case; the other between two Indian immigrants. In one case I succeeded under section 11, in the other I did not; and in a late case which took place with regard to two parties, and which was likely to lead probably to serious consequences on the *Herstelling* estate, with the assistance of Mr. Smith, the manager of that estate, I was enabled to put an end to the dispute in a satisfactory manner under section 11. The woman was restored to her husband.

Q. 2625. To return to the registers under section 78. The register of births and deaths, is that kept?—A. Oh! yes. The register of births and deaths is very satisfactorily kept. You will see all these registers, I am happy to say, very carefully kept in the department.

Q. 2626. Sir George Young—With regard to deaths among the indentured immigrants, you derive your knowledge, I think, from the estates?—A. Almost entirely; of all those under indenture from the estates; the hospitals, and other eleemosynary establishments, have only within the last two or three years given us anything like correct returns, and even now they are not such as they ought to be. I have been obliged to send the interpreters up to the Alms-house and continually to the hospital and other places, to get the returns completed, and there are not the means of doing it in the office.

Q. 2627. What register of deaths have you from the estates?—A. Only the half-yearly returns. You will see these for several

*J. Crosby.*

5th Sept 1870 years past and the number of times some have been sent back for correction.

Q. 2628. Have you any returns of deaths from the hospitals?

A. 2629. We have returns. They cannot always be traced, I am sorry to say, but they are very much improved now, because when an immigrant —

Q. 2630. I do not mean the public hospitals, but the estates' hospitals?—A. Oh! yes; and there is a return made also to Dr. Shier. He has what is called the hospital return. We have the return from the estate. One shews the statistics with respect to the whole mass of the population on the estate. Dr. Shier's returns only shew the statistics of the mortality of those persons admitted into the hospital.

Q. 2631. By comparing these two returns can you always ascertain if a particular immigrant died out of hospital?—A. Generally so. Dr. Shier comes frequently to the office for that purpose.

Q. 2632. There is no special return required that would shew that?—A. No separate mortality return. I think these half yearly returns contain too much mixed up together, for them to be made with the accuracy we could wish.

Q. 2633. When you find that an immigrant has died from disease on an estate out of hospital, whereas it may fairly be assumed that he ought to have been in hospital, what is the regular course?—A. We have nothing more to do with it unless there is something that renders it necessary for a further inquiry to be made, that is generally done through Dr. Shier himself. I either report upon it or write to Dr. Shier.

Q. 2634. Would it be considered to require special investigation if an immigrant died out of hospital of a disease which ought to have taken him into hospital?—A. Dr. Shier would inquire into it if his attention was called to it, but the man having died out of hospital he would know nothing about it. And then we depend on the Coroner's inquests, but these are not sent to the Immigration Department; in fact in nine cases out of ten, we do not know the man who has died, because the certificates are rarely or may have never been found on their persons. I mean of men who died casually on the estates.

Q. 2635. I am referring to persons who die on estates from

disease, under circumstances from which it may be concluded that they ought to have been in hospital. You say Dr. Shier makes inquiries when it is thought necessary, but how is he put in motion? —A. Strictly speaking, we have no particular intimation of that, the Coroner's inquisition does not come to us. We know officially nothing of such circumstances except the short return which is given us.

J. Crosby.  
5th Sept., 1870

Q. 2636. Have you ever instituted an inquiry merely on discovery that these two returns of deaths in hospital, and deaths on estates were considerably different from each other?—A. No. I do not recollect any such specific inquiry. I recollect a woman being brought up from *Ma Retraite*, the other day, dying in the boat, no inquest was held, and I requested Dr. Shier to make inquiry and ascertain how it was that a woman could be sent up apparently in a dying state; that was inquired into by Dr. Shier, and he sent in a report. It occurred nine or ten months ago.

Q. 2637. Do you remember an inquiry about one and a half years ago into the deaths of six immigrants on two neighbouring plantations *Bath*, and *Hope* and *Experiment*—six immigrants died out of hospital from disease, and Dr. Shier inquired into the circumstances?—A. I recollect something about that; if I mistake not, he was requested to inquire why the medical gentleman who had been attending that estate had been discharged from it. I think it had relation to an excessive mortality on the estate.

Q. 2638. The medical attendant requested you to inquire into it?—A. He reported the matter to me. I reported it to the Government Secretary, who requested Dr. Shier to inquire into it, and the medical attendant was discharged for making the representation.

Q. 2639. Who was that medical attendant?—A. Dr. Pollard. It was a very interesting case. I am sorry I cannot recollect the circumstances more exactly, but there is a full record of the case, and I could put my hand on every paper in a minute; every letter written to me, and everything in which I have been concerned can be easily ascertained.

Q. 2640. The President—Is that the Dr. Pollard you mentioned with such credit for the way in which he kept his returns? —A. Oh! no, that was another; there are no less than three.

Q. 2641. Then which is the one?—A. He is a gentleman residing in Berbice.

*J. Crosby.* Q. 2642. Do you know his Christian name?—A. It will be seen in a minute; there is only one in the county of Berbice. I think, if I mistake not, he is acting for Dr. Hackett.

8th Sept. 1870.

Q. 2643. Who was the Dr. Pollard you referred to on Saturday?—A. A young man who has made two or three voyages to India, and has given great satisfaction. He is now employed on the Arabian Coast.

Q. 2644. Do you know his Christian name?—A. William Branch Fox Pollard. The rate of mortality had been excessive on *Hope and Experiment*, and an inquiry was instituted. It was said to be owing to a want of judgment on the part of Dr. Pollard, and therefore an inquiry was made.

Q. 2645. You have the report?—A. Oh! yes. All that we could say was to express great regret that it should have taken place. As far as the inquiry went, Dr. Pollard was entirely exonerated, but of course the Government had no remedy.

Q. 2646. Mr. Mitchell—Do many deaths occur out of hospital?—A. I do not think many.

Q. 2647. I mean out of the estates' hospitals?—A. I do not think so.

Q. 2648. The President—Who holds the Coroners' inquests?—A. The ordinary Justices of the Peace for the most part. The Stipendiary Magistrates are frequently too much engaged, in some of the larger districts at all events, to be available at any moment, which is necessary in the holding of Coroners' inquests.

Q. 2649. The ordinary Justices of the Peace are managers or planters, are they not?—A. They necessarily are. We have no persons of the description you call resident gentry in England—men living on their means, who are able to devote themselves to the public service and fill the office of Justice of the Peace. We are entirely devoid of such persons.

Q. 2650. Is there any provision against their holding inquests on their own estates?—A. None whatever, that I am aware of. Resident proprietors generally reside in the capital, Georgetown, but some reside on their estates.

Q. 2651. Would a manager, if he happened to be a Justice of the Peace, hold inquests upon the estate of which he is a manager?—A. Oh! yes. A great many gentlemen are not only managers

but attorneys for the estates, and represent the proprietors.

*J. Crosby,*  
5th Sept. 1870.

Q. 2652. Mr. Mitchell—Can you form any idea of the number of deaths among absentees from estates?—A. No; I cannot give you anything like an estimate.

Q. 2653. The President—Section 79 of Ordinance 4 of 1864—the register of immigrants sent to the Colonial Hospital for treatment from every ship that arrives. Is that kept?—A. Oh! yes; very carefully.

Q. 2654. And section 80, the register of deserters?—A. I do not think the register is now kept. I do not think it has been kept since the passing of the Ordinance 13 of 1866, but I am not sure.

Q. 2655. Sir George Young—Is it abolished by that Ordinance, do you know?—A. No; but I think the necessity of its being dealt with more particularly under Ordinance 13 of 1866, section 5, has obviated its necessity; so also, I think, with regard to section 81, the register of imprisonments has been discontinued for the same reason, desertions and imprisonment having now to be recorded on the estate's register in order to enable the manager or proprietor to claim an extension of the indenture under the 94th section of Ordinance No. 4 of 1864, or the 5th section of Ordinance 13 of 1866. These registers have become to a great extent not so necessary.

Q. 2656. What is it that has superseded the register of imprisonments?—A. I think it has been discontinued since the coming into operation of No. 13 of 1866.

Q. 2657. I understood you to say that section 5 of Ordinance 13 of 1866 has superseded 80 of 4 of 1864, but what section of 13 of 1866 has superseded 81 of 4 of 1864?—A. There is no section that has done it distinctly, but if you look at Ordinance 13 of 1866, section 2, you will see that each manager is required to keep a register of births, deaths, desertions and imprisonments. I think that did away with the necessity of keeping registers of imprisonments in the Immigration Department.

Mr. Cowie—I am informed that Mr. Crosby is under some little misapprehension, and that the register of desertions is still kept in the Immigration Office.

Mr. Crosby—It may be so. The registers will speak for themselves. It is a matter of detail, and the clerks in the office may enter them up. It is quite possible I may have overlooked it; I do not know. I am generally very careful about these matters.



*J. Crosby.* I do not recollect a record being kept for the last two or three  
5th Sept. 1870. years.

Q. 2658. The President—Is the register of Certificates of Industrial Service under section 82, still kept?—A. Yes ; these are all kept with great regularity ; every certificate is numbered when issued.

Q. 2659. I do not understand what you said on Wednesday with regard to these certificates of industrial service. You mentioned that six ships had arrived in that year, and six the year before, and that certain certificates had not been issued?—A. They were certificates of indenture.

Q. 2660. Those certificates contemplated in section 82?—A. No, under section 41, "On the due completion of every allotment, the Immigration Agent General shall cause each of the adult and minor immigrants included in such allotment to be indentured to their employer according to the form No. 4 in the Schedule B hereunto annexed, and every such indenture shall be kept in this office, and he shall deliver to each of the said immigrants a certificate of indenture signed by him." Those are the certificates I refer to.

Q. 2661. This register in 82 has nothing to do with that, has it?—A. Oh ! no ; it refers to certificates of industrial service when they have completed their term under indenture ; that is a very different thing.

Q. 2662. These are certificates of indenture and those are certificates of industrial service?—A. Yes. After five years' service under indenture an immigrant is entitled to a certificate of industrial service, and after another five years he is entitled to a back passage. He must obtain a certificate before he is registered for back passage, and when he goes away he gives it up.

Q. 2663. Sir George Young—Now, as to the 84th section of the Consolidated Ordinance ; you would say the return mentioned there is superseded by the return required by the new Act 13 of 1866?—A. Oh ! yes, that is altered by the subsequent Act No. 13 of 1866—by clause 1, if I mistake not.

Q. 2664. I observe that in the new form of returns given in the Schedule, Ordinance 13, the last item is the number of immigrants not under indenture residing on the plantation ; that is a new item is it not?—A. Yes ; it has been lately brought in within the

last year or two, in order that we might see the whole labouring population of the estate ; it is in the Consolidated return made up every six months from these half-yearly returns. By this means it is ascertained how many people are under indenture, and how many not under indenture, are residing on each estate. J. Crosby.  
5th Sept. 1870.

**Q. 2665.** Is there anything to which we might refer to discover information on this point before the Act of 1866 ?—**A.** Oh no, that has not been introduced until very lately ; it was introduced by myself in drawing a new form ; it was introduced in consequence of a very great immigration from Barbados particularly. I think there must have been as many as 8,000 immigrants from Barbados in one year. They had no alternative but to go on the estates, and many of them did. Many of them became very valuable laborers and a great many others quite the contrary, I believe. At last we were obliged to put a restriction on them, chiefly on account of the women.

**Q. 2666.** Mr. Mitchell—Have you any means of ascertaining whether the return of unindentured labourers is correct ?—**A.** No ; we have no means of ascertaining that fact.

**Q. 2667.** Have you any knowledge that they are pretty nearly correct ?—**A.** Well, I think they are. I think they may be relied upon as tolerably correct. There can be no object whatever in making anything like a misrepresentation. Immigrants from Barbados are not under any contract of service, neither are the Portuguese.

**Q. 2668.** In the last column of this return there is a provision made for West Indians. Are they under indenture ?—**A.** Oh no ; they are not under indenture.

**Q. 2669.** They are never under indenture ?—**A.** No ; they are never under indenture ; liberated Africans many of them are up to this present moment. The Portuguese are never under indenture.

**Q. 2670.** Sir George Young—Under what Act are the contracts of service and the service in the absence of written contract of these unindentured immigrants regulated ?—**A.** There is no law in force by which they can be summarily dealt with.

**Q. 2671.** The Employers and Servants' Act, I believe, does not apply to them ?—**A.** It does not.

**Q. 2672.** In the case of a verbal hiring of an unindentured immigrant, he would not be entitled to a month's warning ?—**A.** There is no contract under which he could enter into service by

*J. Crosby.* which he would be punished under it. A party would only have  
 14th Sept. 1870 his civil remedy for the breach. It was conspicuous as soon as  
 Ordinance No. 4 of 1864 came into operation.

Q. 2673. It was provided for by the original Ordinance of 1854?  
 —A. In the original Ordinance it was provided for very favourably, I think, for the immigrant. Under that an immigrant was only to give seven days' notice instead of fourteen days. On Monday the 14th of October, 1869, a friend of mine, a Stipendiary Magistrate, asked me what he should do.

Q. 2674. Mr. Cowie—Might I be permitted to ask here, whether unindentured laborers, other than Chinese or Coolies, are not liable to be dealt with under the Master's and Servant's Act?—  
 A. I do not know. I very much doubt whether any man introduced here, even a Barbadian immigrant, could be. If introduced either at the expense of the home government, or of the government of this country, he is an immigrant.

Q. 2675. You do not know that the practice has been to deal with them under that Act?—A. I have heard that the practice has been to deal with them under the Master's and Servant's Act. If any unindentured immigrant came to me and complained, I should have been obliged to take proceedings and upset the conviction; that is if I were not restrained.

Q. 2676. Sir George Young—I observe that in the Employers and Servants' Act of 1853, in the printed edition of the statutes, the sections which especially regard immigrants, and which are now repealed, are not printed. Can you tell me where I can obtain a copy?—A. You can have them at the Government Secretary's Office.

Q. 2677. Do you remember whether they are substantially the same as those in the Act of 1854?—A. I do not think they are precisely the same. The Act No. 7 of 1854 gave greater advantages to an immigrant than he had under No. 2 of 1853, for he has to give only seven days' notice instead of fourteen. The case never arose before me that I am aware of. The law you will see is quite clear.

Sir George Young—It seems so to me.

Mr. Crosby—Sections 14 and 16 of Ordinance No. 2 of 1853 are those which govern the immigrants; by Ordinance No. 7 of 1854, section 2, Ordinance No. 2 of

1853 is wholly repealed, so far as it relates to immigrants. *J. Crosby.*  
 A series of clauses was substituted, clauses 25, and the follow-  
 ing, and clause 31, with regard to punishment. Of 5th Sept. 1870  
 course, it was a very sad oversight, but in the passing of  
 Ordinance No. 4 of 1864, the clauses that would have obviated  
 this difficulty were struck out. They would have brought these  
 immigrants back under the general mode of hiring. By No. 9,  
 of 1856, Section 3, it is provided that no repealed Act shall  
 be revived by the repeal of the Act which repealed it. It would  
 be rather a nice point now to look at Act No. 2 of 1853 to see  
 whether sections 2 and 14 were such as to give power to a magis-  
 trate to punish a Barbadian who came into this country as an  
 immigrant. The definition of an "immigrant" in Ordinance 4  
 of 1864 "is any person introduced at the expense of the  
 Treasury of Great Britain or at the expense of the Colony;"  
 the question is whether that would affect ordinary immigrants  
 coming here whose passages are paid.

Sir George Young—The Act No. 7 of 1854 repealed the  
 provisions of Act No. 2 of 1853; in the later Act, therefore,  
 we shall find all we want.

Mr. Crosby—That involves a still greater difficulty. A Barba-  
 dian is an immigrant, can he therefore be punished under the  
 Master and Servants' Act? I will not say whether he can or  
 cannot; it is a matter which I have never looked at. I looked  
 at the other only to oblige a friend, who was doubtful whether  
 he could punish or not.

Q. 2678. The President—The returns mentioned in section  
 85, I think you tell us, are not kept?—A. No, they are not;  
 they are not in fact repealed, but you will find that in my copy  
 of the Ordinance, which one of you gentlemen has, I wrote  
 against the section, "repealed," taking it for granted it was, but  
 on again looking at the construction of that 13 of 1866, I did not  
 think it was. The jailors had been written to to say there was no  
 necessity to send the returns to the Immigration Department, and  
 knowing that the jailors could not send proper returns, although  
 I saw the Section was not repealed, I did not insist upon their  
 being sent.

Q. 2679. Are the different returns mentioned in section 86  
 furnished?—A. Yes. they are tolerably accurately sent in, not  
 so well as might be wished, because they cannot identify the  
 parties. I have been obliged to send to the Alms House and  
 had every individual person examined; even there it is difficult

*J. Crosby.* to get at them ; so also with the Leper Asylum. When a man  
5th Sept. 1870. has come to the Leper Asylum, I have had great difficulty in  
ascertaining whence he came.

Q. 2680. Sir George Young—In the Immigration Office each immigrant has a separate number?—A. Ycs ; he is very carefully designated. There is his name, his age, his height, his father's name and his bodily marks —

Q. 2681. Then if he could only remember his own number, the difficulty would be done away with?—A. Also the name of the ship and the year which he arrived. It is highly necessary to have the year as well as the name of the ship, because the *Clarence* came four or five years successively.

Q. 2682. But if he could only supply his number that would do?—A. Every certificate must bear upon the face of it his number, height, age on arrival, the name of the ship and the year of his arrival.

Q. 2683. Would all that be necessary if you had the number?—A. I think it is always better.

Q. 2684. The President—The Immigrants that arrive in each ship are numbered in consecutive order?—A. Yes.

Q. 2685. Sir George Young—Then it is not a consecutive number from the beginning of Immigration?—A. Oh ! dear no ; each ship is separately numbered, which facilitates very much. The reason why it is so necessary to describe so fully in a case of desertion is that if in the certificate it were merely "*20 Clarence, 1865 ;*" another man would bring it and say he was "*20, of Clarence, of 1865 ;*" but if his age and bodily marks were marked upon it, he could not carry out that deception. Since these certificates have had this full description upon them, I do not suppose there have been more than one desertion where there were twenty or more previously.

Q. 2686. Do you think the immigrants generally keep these certificates?—A. Generally ; but they are almost flimsy paper ; they are most improperly manufactured ; they ought to be either on linen paper or on some more durable substance.

Q. 2687. And at present the office is considerably in arrear in the issuing of them?—A. With regard to the certificates of indenture it was perfectly impossible in the pressure of Immi-

grants arriving and the short handedness of the office to issue them ; it was physically impossible.

*J. Crosby.*

5th Sept. 1870

Q. 2688. Mr. Mitchell—Does an immigrant generally keep the certificate about his person?—A. He ought to do so ; every person ought to have a certificate ; if he is under indenture he ought to have a certificate of indenture ; if his indenture is about to expire and he is about to leave the estate he ought to have a provisional certificate which informs him of the day on which he is enabled to leave ; then he ought to come to town and exchange that either for a certificate of industrial service or ——

Sir George Young—We need not go on as yet to these other certificates. Does he, as a matter of fact, keep his certificate on his person?—A. Yes generally.

Q. 2689. Mr. Mitchell—Then, in the event of his being arrested it would be easy to trace him?—A. Yes, if he had the certificate on his person. It ought to be of a durable nature ; but now if he gets wet it perishes.

Q. 2690. Sir George Young—I do not understand the extreme difficulty of identification in the public institutions, if they can refer to this certificate?—A. So they can. When I first came into the department it would often require two days to identify a man ; now we can identify any man who has come into the Colony within the last twenty-five years, within two minutes, if he will only give us the slightest clue. And there is a provision that if he does not he shall be committed as a vagabond.

Q. 2691. Has it always been your custom to number according to the ships?—A. Always.

Q. 2692. Mr. Jenkins—With regard to the Chinese as well as the Indians?—A. With regard to the Chinese, in China, I think, they number them as they embark from China ; but we number them consecutively, 1, 2, 3, in the ships, irrespective of that. Then we endorse upon the back of the indenture all these particulars.

Q. 2693. The President—A general number you do not think would be of any use?—A. No ; I think this plan is very much better. We always know how many are introduced in the course of a year.

Q. 2694. Sir George Young—Would it not save a great deal of trouble if you were to require the public institutions, Stipen-

*J. Crosby.* diary Magistrates and others to send you a single number, instead of keeping all these particulars. You might give each of your immigrants an ivory ticket with his number and that would be all you would want?—A. I do not think the system is more complicated than necessary. We have great difficulty in ascertaining even now our statistics with correctness.

Q. 2695. The President—But if you gave a man a tin ticket with a number, 157, printed upon it?—A. It would then be necessary to know to what estate he belonged.

Q. 2696. If you had a consecutive number you would know all about him, would you not?—A. Yes. Suppose we had "20, *Clarence*, 1865," and that was the ticket to which he was really entitled, we should find him in a moment. But these people continually pawn these things. They leave them with managers of estates as an undertaking to perform further services—to enter into an indenture for five years' further service. It is a sort of pledge. Or they go to a Portuguese shop and purchase goods and leave it as a pledge. You have no conception of the deception which is practised, or of the stories with which they come to obtain new certificates.

Q. 2697. Mr. Mitchell—Are they the certificates of indenture or of industrial residence to which you allude?—A. Really, the certificate of industrial residence is very seldom issued.

Q. 2698. The President—You do not think it would be better to number the immigrants with a running number, to give them merely a number to facilitate the identification?

Mr. Crosby—Do you mean throughout the season or a series of years?

The President—Either a series of years, or throughout the year.

Mr. Crosby—Either would do; but I should still be inclined to adhere to a consecutive number for the ship only.

Q. 2699. Sir George Young—On the other hand you might find great danger of their exchanging or becoming improperly possessed of the numbers, and that is the reason why you insist upon having all these particulars?—A. Yes; because an attempt at deception can be at once detected. I will relate rather a singular circumstance which happened the other day. An immigrant still under indenture had deposited money in the Savings Bank;

but his deposit book was stolen by another man. That man *J. Crosby.* goes in to a merchant's store and says "I have so much <sup>5th Sept. 1870.</sup> money in the Savings Bank; I want such and such goods;" and he leaves the book as a deposit. After a time the real owner of the book finds he has lost it, inquiry is made and it is traced to the possession of the merchant, who is obliged to restore it, of course. It is a case exactly in point. There was no description of the man in the deposit book, except that he came from *Farm* — Ramdall, Farm Estate, East Bank. There is no means of identity whatever. But if when the man who had stolen the deposit book came and asked for credit, saying he was Ramdall of *Farm* estate, the merchant had come to the Immigration Office and obtained the description of Ramdall, or had sent that man to the Office, the deception would have been detected immediately and the fraud prevented.

Q. 2700. Sir G. Young—As to the 87th clause, the returns from Coroners, are they kept?—A. These are not, I think, kept. They do make a short statement or return sometimes, but it is not often. The 88th clause is very seldom indeed carried out.

Sir George Young—It is the 87th we are speaking of.

Mr. Crosby—The Coroner sends in a short return by virtue of this clause. And then under the 88th clause, if he finds any certificate upon the body he is bound to send it. But it is very seldom indeed that any certificate is found or that we have the information. So that the Coroner is perfectly incapable very often of describing whence the man came, or knowing anything about him. I do not speak with exaggeration when I say that a great proportion of those who have died suddenly away from their estates cannot be traced. You see there the different descriptions of certificates, and by and by when you wish me to do so, I will describe their nature and operation and the reason why they are called by such different names.

Q. 2701. The President—The penalty of not making these returns is never enforced?—A. It is void; it cannot be enforced.

Q. 2702. Sir George Young—Does that apply to the whole of this part?—A. No; merely to the returns from the estates; because what they are required to do is not made punishable, and something which they are not required to do is made punishable.

Q. 2703. The President—The section provides that if any



J. Crosby. person "shall refuse or neglect to send" in, and the provision in the enactment is that he shall "make out and deliver?"—A. 5th Sept. 1870 Yes; I would not risk a conviction. These informations I had printed, and as soon as the Act came into operation, because I was determined to get proper statistical returns from the estates, if they were to be had. But when I saw that was the only penal clause regulating the 84th section, I despaired of it. It could not be done. I believe the forms of every one of these registers were drawn by my own hand, and therefore it seems a little remarkable that I am sometimes at a loss for the full explanation of them.

The Commission then, at a quarter past one, adjourned for half an hour.

The Commission resumed at a quarter to 2.

Mr. Jenkins—Perhaps I may take this opportunity of handing in a list of the immigrants for whom I specially appear, and at the same time requesting the Commissioners, in the exercise of their discretion, to be kind enough to keep the list private for the present. There seems to have been some misunderstanding with reference to what I have said with regard to my instructions on the opening day. I then intended to say that in strict conformity with the instructions I had received from the *Aborigines Protection Society* and the *Anti-Slavery Society*, I should receive special instructions from any immigrant who chose to tender himself. It ought to have been understood that my retainer was simply from those societies and that I should not receive any fee from the Immigrant; but as there are a few persons idle and stupid enough to suppose that I should receive money from those people, I take this opportunity of denying it.

Mr. Crosby—I have received some documents which I think will be of service to the Commission. There is first a list of the arrivals from 1858 down to the present time, which is the only perfect account of the arrivals and mode of distribution which exists. You may look at it, if you please, it is that mentioned in section 73, and it is one of those with respect to which the Commissioners asked if they were regularly kept. It is very interesting. You will find down to last year all the immigrants who have been introduced, that is, the names of the vessels and the number introduced. I keep it as a somewhat precious instrument, inasmuch as it is the only document of the

kind in existence. I have carefully kept it ever since I held the appointment. There is another document also which I mentioned. I do not know whether you would get it from the Government Secretary's Office, as I was unable to tell you the exact date. It is the report which I described as the "History of Immigration." I have here the original draft; it is numbered 369 and dated Wednesday, 28th of April, 1864. It is exceedingly interesting, inasmuch as the Act No. 4 of 1864 came into operation, I think, on the first of May following, a very few days after this was written. In this report there were a very great many enclosures, all of which will be found, I have no doubt, in the Government Secretary's Office. I am inclined to think the Commissioners would not find the time misspent in looking over some portion of it at all events, particularly the introductory part commenting upon the acts under which I had acted from 1854 downwards, shewing their operation and the necessity for legislation on the various points.

*J. Crosby.*  
5th Sept. 1870.

The President—We will get it from the Government Secretary's Office; we shall then get the enclosures with it.

Mr. Crosby—You will get it plainly written there. My handwriting is not very plain, I am sorry to say.

The examination of Mr. Crosby was then continued.

Q. 2704. Mr. Mitchell—How many certificates of industrial residence are issued annually?—A. Not a great many certificates of industrial residence. They are mostly temporary or provisional. Certificates are issued in some thousands, to all those who have performed their service of five or ten years, as it may be. I will describe the operation of these certificates, then you will be better able to judge of their value.

Q. 2705. You say that occasionally the immigrants pawn these certificates?—A. Yes.

Q. 2706. In the case of a man dying what becomes of his certificate?—A. It ought to be returned to us; that is one of the difficulties in the Coroners' inquests, sometimes the managers of estates cannot obtain them.

Q. 2707. But if it is in pawn, how do you obtain it?—A. Well, we cannot obtain them. The only thing is if we have the slightest suspicion, we do not give them another certificate. We give

*J. Crosby.* them what we call a pass of a week or fortnight's duration.  
 8th Sept., 1870

Q. 2708. Do you know what is considered the value of an industrial certificate?—A. The value is, that if they lose it, or it is taken from them, they cannot get another without payment of £5.

Q. 2709. But what sum of money would it represent?—A. Oh! nothing; but it has a value inasmuch as these people get loans upon it.

Q. 2710. The President—What can a man raise upon one?—A. I have never ascertained accurately, but I have known managers of estates, sometimes when they have been deposited, give them \$10 in advance on their promise to serve upon the estate.

Q. 2711. Mr. Mitchell—Is that the value of the certificate, or of their agreement to enter into indenture?—A. It is the value of their agreement to enter into indenture, because the value of the certificate is only the cost of obtaining another.

Q. 2712. Sir George Young—Did you mention the sum of \$10 as a sum which a manager may advance to redeem a certificate from pawn?—A. No; it is deposited with the manager, who gives \$10 in advance on account of the £50 bounty. You will see in that report which I call the "history of immigration," the influences which are brought to bear.

Mr. Cowie—Do you mean deposited as a certificate of character or of what the man is?—A. No; he deposits it as a security, to show determination on his part to take a bounty; that is all. It is of no value in point of fact, but they deposit it sometimes with the Portuguese for a month.

Q. 2713. Mr. Mitchell—Then temporary certificates are generally given instead of certificates of industrial residence?—A. First of all a provisional certificate is given. It is only for this purpose: The Sub-Agents go to the estate in the half year, immediately previous to the determination of the indenture. A man asks for the provisional certificate to which he is entitled; that shows the period of time at which his indenture expires, when he can leave the estate. He can then either take bounty at another estate or come to town, and have an industrial certificate, as it is called. Without payment of any fee he gives up the provisional certificate and gets an industrial certificate in its stead.

Q. 2714. Must he come to town to do that?—A. Oh yes, *J. Crosby.*  
but the provisional certificate is sufficient for him. A manager <sup>5th Sept. 1870.</sup>  
would give him the \$50 bounty, which shews he is a free man  
from the date of the termination of his indenture.

Q. 2715. By the Act No. 13 of 1866 there has been a slight  
alteration in the provisional certificate; the words Immigration  
Office, Georgetown, are left out?—A. Yes; if they ask for the cer-  
tificates on the visits of the Sub-Agents to the estates, I have no  
doubt the Sub-Agents would give them such certificates, if they  
answer the description set forth in the provisional certificate; but  
they never do, they have the provisional certificate, and they  
never get any other. When they come for their return passage, we  
take it; we do not harass them by making them get out an  
industrial certificate; they are all of equal value, whether provi-  
sional, temporary, or industrial.

Q. 2716. By clause 4 of Act No. 13 of 1866 it is pro-  
vided that it shall be the duty of the manager to  
shew by an endorstation on the provisional certificate that the  
period of service has been served on being requested by the im-  
migrants to do so. That shews that the man has completed his  
term?—A. That was to obviate any necessity in discerning  
between the time at which the Sub-Agents visited the estate and  
the termination of the indenture. That period of time the pro-  
visional certificate does not guard against, but the endorsement  
shews the manager has no claim on the immigrant.

Q. 2717. Then the Immigration Office is guided by that?—  
A. Oh yes. If the manager does not make the endorsement he  
is liable under section 8.

Q. 2718. If there is no endorsement the man does not get  
an industrial certificate?—A. No; without that endorsement  
we should not be satisfied.

Q. 2719. Sir George Young—You would not give a certi-  
ficate?—A. Not without inquiry, at all events.

Q. 2720. Mr. Mitchell—Not without some examination in each  
individual case?—A. No; but sometimes we learn by correspondence  
with the parties who ought to have made the endorsement that they  
have omitted to do so. When we find that a person obstinately  
refuses to endorse without reasonable cause, we give the man a

*J. Crosby.*

5th Sept. 1870 certificate or bounty, as he may choose, but it is very seldom that difficulties have arisen on that point.

Q. 2721. Sir George Young—You never had recourse to section 8 on that point?—A. No, never. I was very near putting it in force on one estate on the Arabian Coast, but the manager very properly endorsed all the certificates before the necessity had arrived.

Q. 2722. What was the name of the estate?—A. It was *Coffee Grove*. The proprietor had on the estate a deputy manager, but it turned out that the proprietor was the manager, and a doubt arose whether the proprietor ought to have endorsed or the deputy manager, the proprietor being looked upon as the manager.

Q. 2723. In what year was that?—A. In 1865, I think, but there was evidently no intention to act improperly in the matter.

Q. 2724. Mr. Mitchell—How long were those immigrants kept out of their certificates?—A. I had given instructions for proceedings, and I think the police were ordered to carry them out; I think it must have been in 1867, during the time when Major Mundy administered the government, when the prosecutions were in the hands of the police.

Q. 2725. How long were those immigrants kept out of their certificates?—A. I should say about a fortnight.

Q. 2726. From the time they were entitled to them?—A. I think so. I think if I recollect aright those people wanted to become indentured to *Peter's Hall* estate; but I will not trust to my memory so much, the people may easily be referred to; they came up to town, I think. If I recollect aright, the manager of *Peter's Hall* refused to accept of their services because their indentures had not been endorsed; then they came to the Immigration Office, I wrote to the manager and gradually discovered the circumstances.

Q. 2727. What lead to this provision with regard to the provisional certificates being endorsed?—A. It arose in the early part of my appointment. I found that the indentures which were given to the people were almost always destroyed, indeed very frequently the people never got them. At that time there were three sets of indentures, one was given to the manager, another to the immigrant, and the third

was sent to the magistrate's office. I found, when first I was appointed, in making visits to the estates, that very few estates in fact kept their indentures with any degree of regularity, and that if the immigrants had ever had them they lost them; while those which were sent to the magistrates' office were put into pigeon holes and never looked at. The fact is, when I was a magistrate on the East Coast I never looked at them. I never had occasion to. In one or two instances latterly I was requested to deliver them on the estate, then I delivered them to each individual. That plan of furnishing indentures was a very inefficient one indeed, because the paper was destroyed so easily.

*J. Crosby.*  
5th Sept, 1870

Q. 2728. How is that evil supposed to be remedied?—A. That evil is remedied by the certificate of indenture and the certificate of service.

Q. 2729. What gave rise to the endorsement being put on the back of the provisional certificates?—A. Because in the early part of the time people never knew when their indentures terminated. The people were very frequently kept in ignorance of the fact; they never in fact knew when they were going to leave the estate.

Q. 2730. Sir George Young—Were kept in ignorance of it?—A. I will not say they were kept designedly in ignorance of it, but they were in ignorance of it; and, in some instances, I believe, they were kept in ignorance of it purposely, because their services were valuable; the managers did not wish to lose their services, particularly of acclimatized Immigrants, persons who had been five years in the Colony. And you would be surprised at the scrambling and demoralization which existed in getting acclimated Coolies from one estate to the other.

Q. 2731. Under the Ordinance No. 4 of 1864 there was no provision for the endorsement?—A. No, there was no provision for the provisional certificate. I had given them, but only as a kind of security to an immigrant, to let him know when he could leave the estate.

Q. 2732. Mr. Mitchell—Under Section 92 of Ordinance 4 of 1864. is it not required?

Sir George Young—Look at section 92.

Mr. Crosby—That is always done now, and has been ever since the passing of Ordinance No. 4 of 1864.

*J. Crosby.* Q. 2733. Mr. Mitchell—The endorsement not being necessary until 1866, would not every man previously have been entitled six months before the termination of his indenture, to receive a provisional certificate?—A. Oh yes.

8th Sept. 1870.

Q. 2734. Was there any provision under Ordinance 4 of 1864, that he should not, without that endorsement at the end of six months, receive his temporary certificate?—A. I do not think there was any provision.

Q. 2735. Did they generally at the end of six months receive their temporary certificate?—A. On coming up to town, if they choose to demand it, invariably.

Q. 2736. At the end of six months?—A. At the termination of their contract they could get either their industrial certificate which is a more permanent one, which the immigrants only take when they have made their minds up not to reindenture, or the temporary one; they generally take the temporary one; there are fifty of that kind to one of the others.

Q. 2737. Then to get this temporary certificate they had to come to town with the provisional certificate; they could not get it on the estate?—A. Oh yes; they could get bounty; the provisional certificate protects them in every way, particularly if it is endorsed.

Q. 2738. Sir George Young—Do I understand that they were obliged to come to town to get the temporary certificate?—A. Oh yes; that is, if they had permanently terminated their contract. The provisional certificate is granted before the termination of the contract, the temporary one upon the termination of the contract; the provisional certificate is only a safeguard, a sort of assurance that the man will be entitled to leave the estate on the day on which his contract ceases.

Q. 2739. Mr. Mitchell—Does it often happen that these provisional certificates are endorsed on the expiration of the six months?—A. Oh yes; they are almost always endorsed on the expiration of the contract, which may be only a week after the visit of the Immigration Agent to the estate, or very nearly six months. If the immigrant goes on an estate on the 2nd January, and a man's indenture will terminate on the 30th of June, the man is entitled to a provisional certificate, which will be endorsed by the manager if he fulfils his service. If, on the other hand, the man has terminated his time of service on the 31st of December previously, the Agent gives him a temporary certificate

showing that his contract is complete. If the man to whom the provisional certificate has been given in anticipation wishes for another certificate, he must come to town or wait again until the Sub-Agents visit the estate. *J. Crosby. 5th Sept. 1870.*

Q. 2740. If the Agent visits on the 30th of June and the man's indenture will expire on the 30th of October, would this indenture necessarily expire then or would he be liable to have it extended for some desertion?—A. Oh, it would expire. If desertion takes place the manager ought to proceed immediately; if he does not, it is his own laches.

Q. 2741. Does it often occur?—A. Sometimes it occurs.

Q. 2742. Not often?—A. Not very often, I am happy to say. It is the manager's own laches if he allows it to take place. There is a provision in Ordinance 13 of 1866.

Q. 2743. I merely wish to know whether it is often the case?—A. No, not often. If I find it to take place by the laches of the manager—if he refuses to endorse—I give a certificate. In one or two instances a manager has refused to endorse and I have given a certificate.

Q. 2744. Sir George Young—You do not consider by clause 4, which requires the endorsement, it cannot be given?—A. Oh no; certainly not. The day after the termination of the indenture I consider the immigrant is entitled to receive it, and that he ought at once to receive it, unless there are some claims for arrears of service. Questions have occasionally arisen on this point, but I have never known any practical difficulty to occur. The party could be always punished by the magistrate, and the magistrate has, as you will find presently, very great powers—greater powers than are vested in the Immigration Agent. There is ample power in that Act for good discipline, and it is the laches of the parties themselves if they do not enforce that discipline. By and by I can point out very clearly what ought to be done, and I can also produce letters which I have written to managers pointing out how things ought to be done, in order to come within the scope of the Act, and to enforce clauses which ought to be enforced.

Q. 2745. The President—The abstract required in section 95 is that done?—A. Oh! that is always very carefully done; they are sent home to the Secretary of State.

Q. 2746. But your return to the Governor and Court of



**J. Crosby.** Policy, is that made?—A. Yes, the return invariably goes in and I report upon it.  
6th Sept. 1870.

Q. 2747. Are the reports published?—A. Yes.

Q. 2748. That report in addition to the returns is not required by the Ordinance?—A. Not required, but generally I send in a report commenting on the returns.

Q. 2749. But it is not required by the Ordinance?—A. No.

The President—We should like to see some of these reports which are not required.

Mr. Crosby—They are all in the Government Secretary's Office; you will find them in pigeon holes there.

Q. 2750. After every visit of the Immigration Agents to the estates a report is sent in?—A. Yes, a duplicate goes to the Secretary of State, and the other to the Emigration Commissioners. The only fault they find is, that they are a little voluminous.

Q. 2751. And the lists required by section 76?—A. In the same way.

Q. 2752. Very carefully done?—A. Yes, they are all sent in, in point of fact, not to the Receiver General, but to the Accountant, to the Book-keeper, or to the Auditor General.

Q. 2753. They are not sent to the Receiver General, but to some other person?—A. No; the Receiver General is the person who pays the money, and therefore his name is used, he being the chief authoritative officer, I have no doubt. They are all sent in. You can see these books where every estate is charged with the number of persons that have been indentured to it, and the bounty received from it for them. That is very carefully done, because the whole monetary discussions of the year, so far as bounty is concerned, depend upon the correctness of the return.

Q. 2754. The President—Have you any occasion to make the visits contemplated in sec. 97?—A. Oh yes. I have only been for the last eight or nine years upon special occasions. I have never had the means of going *impromptu*. I should have often done it if I could.

Q. 2755. This appears to give you the power of going at any

time ; the regular visits require notice in the *Official Gazette* ?— *J. Crosby.*

A. The Immigration Agent General can go at any moment. *5th Sept. 1870.*

Q. 2756. Do you remember how many of these visits you have paid since 1864 ?

Mr. Crosby—Under the 97th clause ?

The President—Yes.

Mr. Crosby—No ; I cannot, but probably fifteen or sixteen in all. They may all be easily ascertained by my reports and the evidence I have taken. I have made one or two—particularly with regard to wages—most interesting inquiries.

Q. 2757. Sir George Young—Were those inquiries taken on your motion, or by direction ?—A. On my own motion, at least I think so. I think they all ought to be left entirely to the Immigration Agent General, but it never has been done. We report to the Governor, and he sanctions or refuses, just as he pleases.

Q. 2758. The Governor's sanction is not considered by you necessary ?—A. I do not think it is necessary, but it is invariably done. I think a person at the head of so important a department should have a wider scope of discretion than is accorded to me, at all events for many years past. In the time of Mr. Wodehouse I could go away at a moment's notice.

Q. 2759. The President—The Ordinance does not require you should first obtain the sanction of the Governor ?—  
A. It does not.

Q. 2760. Why was that restriction put upon you ? Can you recollect when ?—A. I think when I was absent. I am sorry to allude so frequently to this circumstance ; but in a document, No. 624, 22nd May 1866—the document is now in the possession of Mr. Scott, the Governor—I cannot tell you all the details of it ; it was without reference to a report of my own. I cannot state it accurately ; but it directed the Immigration Agent in every single instance, however insignificant a communication might be, to send it on in his canister to the Governor with a minute. The most minute detail, the most trifling occurrence that could possibly take place, was sent up to the Governor ; in fact, the Governor was the Immigration Agent General.

Q. 2761. In fact, it was not required by the Ordinance ? The Ordinance did not require the Immigration Agent in all cases to

*J. Crosby.* report to the Governor?—A. It did not. The original communication, No. 568, was dated 13th April, 1865. Certainly the alteration the late Governor, Mr. Hincks, made upon that point was exceedingly useful to a certain extent, inasmuch as it placed the Immigration Agent General in direct communication with the Governor, but I did not fully comprehend it. I did not carry out the Governor's instructions to the fullest extent of his wishes, and this was, I regret to say, the subject of a complaint by the late Governor to the Secretary of State upon that very subject; but I stated that I could not comprehend for one single instant of time that the Governor wanted all the minute detail of the office sent to him, but only such as required his supervision, control, and authority. Therefore I told the Secretary of State I could not comprehend for one moment that that was the intention; however, such was the intention. On my return from England afterwards the finishing stroke was put; there was a subsequent communication to me, in which the Governor told me that in consequence of my having acted, as he thought, a little contrary to his wishes—it was, in respect to a letter from a gentleman who had written to me requesting me to tell him whether a certain person was under indenture or not,—then he told me that every insignificant document should be sent to the Governor; and that was accordingly done, and with somewhat curious results, for a great many gentlemen who were in the habit of sending me private notes, or semi-private notes relating to business with the office, were a little astonished, you may suppose, when they received a reply commencing, "I am directed by His Excellency the Governor to inform you."

Q. 2762. The President—In April 1865 they began to put restrictions upon you, and the finishing stroke was put to it on the 7th November, 1867?—A. Yes. The alterations that are made in the department from time to time, are extraordinary. In fact, one does not know exactly whether one is doing right or wrong. I have that letter I am persuaded somewhere—Oh! here it is, 18th November—the letter I actually received—which gave rise to that of the 7th November, or rather, 20th of November. I think this a very unimportant letter. Oh! here is the final stroke from the Government Secretary to me, No. 2179, dated 20th November, 1867, which did the business. It was in consequence of this letter which I will read—No. 871:—

No. 871.

Immigration Department,

Wednesday, 13th November, 1867.

Sir,—In reply to your communication, dated yesterday, I have

to inform you the name and description of the Indian immigrant is as follows:—

Cobhy—M. 25 years on arrival, No. 212, *Merrie England*, 1860, under indenture, dated 17th July, 1866, to the *Zeelugt* estate, Demerara.

J. Crosby.  
6th Sept. 1870.

I have the honor to be, Sir,

Your obedient Servant,

JAMES CROSBY,

Immigration Agent General.

P. C. Barlow. Esquire,

*Sophia's Hope* Estate, Mahaica.

I was found great fault with for not having sent that letter to the Governor. There was a document now, the most innocent letter that the head of the department could write; that letter was obliged to be sent to the Governor! I was found great fault with—I will not say I was threatened in any way, because I was not, but I was told to take care in future that all letters were sent, and therefore I sent all letters to the Governor, and the Governor of the Colony in fact was the Immigration Agent General, instead of myself. I have no hesitation in saying this. I should say it if he were here present. I told the Secretary of State so.

Q. 2763. The note you have just read was dated the 20th of November?—A. 13th of November.

Q. 2764. It was that letter of 13th November which brought the letter of 20th of November, was it?—A. Yes. I have not perused it since, so I cannot tell you its contents; but certainly the correspondence is very curious, as between the Governor of a Colony and the head of a department like the Immigration system, where he has 50,000 people under his control. And then you must be kind enough to recollect I had no means of visiting estates *impromptu*. I was obliged to hire on all occasions, and to go at great inconvenience. The consequence was that I never went except I was expressly ordered, and that order was obtained in the manner I have described.

Q. 2765. Have you any recollection of ever having brought before the Stipendiary Justices of the Peace any employer for not having given sufficient work to his laborers under section 98?—A. I only recollect one or two instances. I think one was with regard to *Palmyra*, and another, a small estate, *Marionville*. They were both almost in a state of abandonment, both in *Wageningen*.

*J. Crosby.* Q. 2766. In what year was that?—A. It must have been in 1866 or 1867, perhaps earlier; I cannot say. These are matters which really made no impression on my mind.

Q. 2767. Do you recollect what the result was?—A. Oh! that the immigrants were all removed to other estates, and they had the choice of the estates to which they had to be removed, subject to the approbation of the manager for the time being. There was no difficulty in finding employment for them; there were very few. I do not think there were above 25 on one estate and 6 or 8 on the other. All that the Sub-Agents observed on their visits is very carefully recorded in what is called their day-books. You will see there the manner in which they perform their labours in visiting the estates and the inquiries they make; they generally refer on particular matters to me on their return, and I generally instruct them how to act in any case of any difficulty.

Q. 2768. Sir George Young—I observe an item in the old form of half yearly returns of the number of immigrants specially transferred to other estates during the half year?—A. Oh! those transfers are now done away with. Those which are now made are simply made in pursuance of either the 56th or 112th clauses of Act No. 4 of 1864. The 112th is in fact the operative clause; there you will see the Governor has great power:—"If it shall at any time appear to the Governor on just cause shewn to his satisfaction that all or any of the immigrants indentured on any plantation should be removed therefrom, it shall be lawful for the Governor to order all or any such immigrants to be released and discharged from all further service from such employer." That clause has been found very useful, but it has been acted upon in a way that perhaps was not contemplated by the statute.

Q. 2769. The President—You say that the Agents keep very carefully their day-books, and refer particular matters to you. Do they make any reports on their visits?—A. Yes; beside that they make a report. Their reports some two or three years ago were rather more particular than they have been lately, because a great many inquiries had to be made, for instance, there was a great object in suppressing, as far as the department possibly could do, the drivers of estates keeping shops; that was found to have a very prejudicial effect and they were enabled to exercise a very great amount of influence.

Q. 2770. These were on special subjects?—A. Yes, which they were directed to report on; they were not called for by the Act.

Q. 2771. But they always make short reports on their visits? *J. Crosby.*  
—A. Yes.

5th Sept. 1870.

Q. 2772. Do these reports go on to the Governor? —A. They come to me and I forward them to the Governor. Some of them, I am sorry to say, have never been returned, which they ought to have been. Of those which have not been returned there was one in 1863, a very important one indeed, on the subject of the wages payable throughout the whole Colony. These reports were really very valuable. There was a great deal of trouble taken upon them by both young gentlemen; they adopted different principles and plans in making their calculations which I very much regretted, but the reports nevertheless gave a vast deal of information. Then there was another special matter they had to report upon. The watchmen on estates were accustomed to carry fire-arms. Allowing them to carry firearms led very frequently to very disastrous consequences. In two or three instances parties were brought up and tried for murder. There was great difficulty in the matter. Some gentlemen thought they had a right to preserve their estates in the same way as gentlemen protect game in England; and although I am not aware that game-keepers have any right to use firearms for the destruction of human life, some of these gentlemen argued as if they had. Some of the correspondence was a little remarkable.

Q. 2773. Mr. Mitchell—In the 4th line of section, 98 to what do the words "in terms of his contract" refer; do they refer to his indenture?—A. Oh yes; that arose from the word contract in the original draft being used in one sense and the term indenture in another. In the original draft of the bill the word contract was intended to imply all service except that under indenture. It was called a contract of hiring, but the word contract here is synonymous with the word indenture.

Q. 2774. Is there any mention in the indenture of the amount of wages to be paid?—No; whatever the creole laborer works for is the gauge for the immigrant.

Q. 2775. Sir George Young—Is that stated in the indenture?—A. No; the indenture is silent on the subject, there is not a word about wages. The immigrant agrees to serve subject to all the provisions of the Consolidated Ordinance. There is no necessity for it in the indenture. The indenture as it is, is too long. It was not drawn by me; long as such things usually are. I never intended that there should be any indenture with the Act. It is waste paper at this moment. Not one half of them is duly executed,

J. Crosby. Q. 2776. Then "in terms of his contract" we may take to be the provisions of the Act?—A. Yes. The indenture was put in just within the last day or two before the passing of the Act. At the request of Mr. Hincks I was present, and I recollect that it was put in in consequence of Mr. Beaumont, the late Chief Justice, saying "You have used the word indenture all through the Act. Where is the indenture?" and they put it in on the very last day.

Q. 2777. Is there any provision for the transgression of the 98th section, short of cancelling the indenture?—A. None, other than the immigrant has in the Petty Debt Court. To sue for his wages, he is obliged to resort to another Act. There is not a single line protective of the immigrant throughout the whole of the Immigration Ordinance excepting in one instance, the recovery of wages.

Q. 2778. Could an immigrant recover wages independently of work done under the Petty Debt Ordinance?—A. He can recover any wages that are due.

Q. 2779. But would any wages be due supposing no work had been provided?—A. I should say not. If no work had been provided I should say the immigrant ought to be removed *instantly*.

Q. 2780. At all events he has no remedy under the Petty Debt Act?—A. No.

Q. 2781. Is there any other remedy beside the removal of the immigrants?—A. None that I am aware of. I do not think that there is any provision in the Ordinance except the section which refers to ill-usage. It is taken from the Ordinance No. 7 of 1854, and it is rather peculiar in its construction. Ill-usage is a very comprehensive term. The 114th section reads—"if any employer shall in any way ill-use any immigrant on being convicted thereof he shall be deemed guilty of an offence and shall pay a fine not exceeding the sum of \$48 or be imprisoned with or without hard labour for any time not exceeding two months or pay such fine and be so imprisoned." There was a very similar clause in No. 7 of 1854. Within a very few days after my arrival in the Colony I was called upon to report on No. 7 of 1854.

Q. 2782. Did it ever occur to you that the non-assignment of work could be considered as ill-usage?—A. I should say it might be, but it would be rather a forced construction. It would comprehend almost anything, a frown of

disapprobation or knocking a man down and almost depriving him of life. The word ill-usage will cover either. J. Crosby.  
5th Sept. 1870 Some years ago, I think in 1863, just before the Act of 1864 came into operation, I brought charges against the *Industry* estate for turning away twelve Chinese, covered with sores, out of the hospital. I brought the case before Mr. John Lucie Smith, who was then Acting Chief Justice, under the clause for ill-usage. My learned friend, the present Attorney General, then Solicitor General, opposed me, and it was determined that the men were not under contract of service. The manager had given them free passes, exonerating them from service. I contended that there were three parties to the contract: the Chinaman himself, the employer, and the government, as protector of immigrants, whose duty it was to take care that their contracts were carried into effect, but I was overruled. It was decided that the employer and employed could at any time sever the contract. That decision gave rise to clause 56 of Ordinance No. 4 of 1864, which provides that—"No indenture shall be cancelled or made void by agreement between the employer and the immigrant party thereto, or otherwise, except with the consent and sanction of the Governor." But it was not sufficiently carried out, because subsequent clauses providing that any attempt to do so should be an offence, were omitted, and it is astonishing, as I shall by and by shew you, how that is evaded.

Q. 2783. The President—Who were the parties to that case?  
—A. The late manager of the *Industry* estate; Mr. Griffin, was the name.

Q. 2784. The Chinaman v. Griffin, was it?—A. No. It was Crosby v. Griffin. I took the case before the Stipendiary Magistrate, who convicted. They appealed. I appeared before the Court as prosecutor, and the present Attorney-General appeared on the other side. The Attorney-General argued that the parties were enabled to sever their contract by mutual agreement—that is, between them and the employer, Mr. Griffin, the manager of the estate; his view of the case being acquiesced in by the then Chief Justice, it was so decided. I was of opinion that it could not be severed. I was of opinion that the Government could step in and insist upon their having proper hospital treatment and allowance, which had been refused to them.

Q. 2785. Sir George Young—What became of the Chinese?  
A. They all went to the Colonial Hospital, and were treated at the expense of the community—of course, out



*J. Crosby.* of the general funds of the Colony. It was a very interesting case. I do not mean for an instant to find fault with the decision or anything of the kind. I am only stating facts.

Q. 2786. The President—To go back to section 98 of Ordinance 4 of 1864. The employer is bound to supply an immigrant with sufficient work, but there are no terms of contract to enable the immigrant to compel him?—A. The onus falls upon the Stipendiary Justice of the Peace. The words of the clause are :—"If it shall be established before any Stipendiary Justice of the Peace on complaint preferred by any indentured immigrant or by the Immigration Agent General on his behalf that such immigrant is not provided by his employer with sufficient work to enable him to earn a just amount of wages in terms of his contract, such Justice shall report the case to the Governor." That is, supposing the Immigration Agent General takes proceedings in his behalf.

Q. 2787. But what are those proceedings that the Immigration Agent can take?—A. I should take proceedings under the ill-usage clause.

Q. 2788. I mean under this section, what action can possibly be taken?—A. I have never had to consider this question practically.

Q. 2789. "If it shall be established before any Stipendiary Justice of the Peace on complaint preferred by any indentured immigrant, or by the Immigration Agent General on his behalf."—What I want to know is, what the Immigration Agent, on behalf of the immigrant, can do?—A. Report the circumstance to the Governor, and the Governor can order the removal of the immigrant.

Q. 2790. What circumstance?—A. There not having been a sufficient amount of work provided.

Q. 2791. How is that to be found?—He could only do that by investigating it in the first instance—going on the estate; that is all he could do.

Q. 2792. But it says—"in terms of his contract." What are those terms?—A. The terms of his contract are, that he shall serve for so many years, and shall receive such and such wages under the 3rd clause of the Act.

Q. 2793. That he shall receive such and such wages. Is there any such provision?—A. No; there are no wages

specified in the indenture, but he is entitled to all the privileges and immunities and all the provisions of this Act. One of those provisions is, the payment of wages; that he shall have his wages paid once a week. J. Crosby  
5th Sept. 1870.

Q. 2794. But I mean with regard to this particular section, "enable him to earn a just amount of wages in terms of his contract." Can you bring any suit on behalf of the immigrant? —A. If you speak of a just amount of wages it is exceedingly difficult.

Q. 2795. But is it possible to bring it?—A. Oh! yes; I think so if he is not paid for his work.

Q. 2796 Sir George Young—No, when there is no work assigned for him to do?—A. Then I would go upon the estate and ascertain myself as I did with respect to *Marionville*. There the immigrants had been kept idle because the parties had not the means of paying them wages. On reporting the circumstances to the Governor, he ordered their removal immediately.

Q. 2797. Was there any suit before a Magistrate?—A. No.

The President—Then it is not on all fours with this section, the end might be the same, but it was obtained in a different way: This section requires that it must be established before a Magistrate.

Mr. Crosby—Then it is ill-drawn, the section is not clear. the fact is, it talks of one thing and means another, and so it is throughout the whole Act. I believe half a dozen persons had a hand in the construction of this Act, some how or other.

Sir George Young—The section seems plain enough if we could ascertain what the form of complaint was.

Mr. Crosby—No; I do not think it is. The Immigration Agent is not kept sufficiently distinct from the Stipendiary Magistrate. I think the duties of the two ought to be distinctly pointed out; those which the Magistrate has to perform ought in no case to be ministerial; his duties are solely judicial. All ministerial duties should be done invariably by the Immigration Agent General, who ought not to be entrusted with any judicial duties whatever. The two positions are totally distinct.

Q. 2798. Mr. Cowie—Perhaps we may have the question put now. I presume it will come to this—that Mr. Crosby does not know of any instance in which proceedings have been taken before a

*J. Crosby.* Magistrate under that section?—A. No ; I do not think I can call to mind any, but if there were any taken, unless they were taken through me or through my instrumentality, I do not know that I should be informed of it. I do not think there is any machinery to inform me of it. I never knew, except through my Sub-agents, what proceedings were taken. When the functions of the Immigration Agent were performed by the Police, the Sub-agents used to be summoned to the Court to prove the parties to be under indenture, although it was not thought wise or discreet for them to be entrusted with the prosecution.

Q. 2799. The President—How often have the provisions of section 99 been enforced?—A. Oh ! it has been enforced very frequently, not in particular with regard to wages, but proceedings generally. I recollect one case at *Good Hope*. I do not think there was any prosecution in that case.

Q. 2800. Sir George Young—Are any statistics of these prosecutions available?—A. Oh ! yes ; all these matters can be very easily traced in the immigration office, besides prosecutions instituted by the office.

Q. 2801. Is it frequently the case that the Agents attend in Court?—A. Oh no, only to watch the cases occasionally. I have done so myself without taking any part whatever, having no right to take any part. When I have heard of any particular case, I have attended to watch it merely when reports have been made to me, when I thought it necessary or judicious to do so.

Q. 2802. Have you ever thought it necessary to lay such a complaint out of the district of the magistrate in which the offence was committed?

Mr. Crosby—For want of confidence in the magistrate, do you mean?

Sir George Young—For any reason, have you ever done so?—A. No, I should never do that for this reason ; if the offence was committed in one district, I doubt very much whether the magistrate of another district has jurisdiction, unless sitting in that magistrate's district.

Q. 2803. Will you refer to section 17 of Ordinance 9 of 1868, " Any information, complaint, or charge laid or made under the provision of the Consolidated Immigration Ordinance 1864, or of any Ordinance amending the same Ordinance includ-

ing this may be laid or made before any Stipendiary Justice of the Peace in this Colony, anything in the 162nd section of the said Consolidated Immigration Ordinance to the contrary notwithstanding"?—A. I have never acted on that. J. Crosby.  
5th Sept. 1870.

Q. 2804. And you have never heard of its being acted upon?

A. No; I am very sorry to have seen it in the statute book.

Q. 2805. Sir George Young—It has been suggested that it was probably inserted for cases of desertion, in order that they may be tried where the deserter was caught.

Mr. Crosby—There can be no practical necessity for that; none whatever. There is no real necessity why the deserter should not be tried by the Magistrate of the district in which the estate is whence he has deserted.

Q. 2806. Sir George Young—You were not aware of the existence of this section?—A. Upon my word I was not. I have never acted upon it; it is a removal of a jurisdiction from one place to another, and I think it is very far from an advantage; it is just the same as to try a man in Essequibo for a murder which has been committed in Demerara, the courts of the two counties being restricted in their jurisdiction. The districts of the magistrates are very extensive, generally speaking, and cover a very large space.

Q. 2807. Would you be so kind as to explain the term "*parate* execution" in the 100th clause?—A. It merely means immediate, instantaneous, direct.

Sir George Young—It is a term of art which I have never come across.

Mr. Crosby—It is a very common phrase.

Q. 2808. The President—Is it from the old Dutch law?—A. I fancy it is some reminiscence of the old Dutch law.

Mr. Cowie—I am told that in some instances execution may issue at once upon a certificate of the Receiver General without any decree or conviction.

Mr. Crosby—Yes. No legal proceedings are necessary. It is immediate. It is a term unknown in any other legal phraseology that I am aware of. It is written, you will observe, in *italics*.

*J. Crosby.*

5th Sept. 1870

Q. 2809. Sir George Young—Now we come to section 103, which relates to wages. In the first place may there not be said to be two classes of Creole labourers, the task gang class and the class resident on plantations?—A. Oh yes, they are widely different. The task gang driver as he is technically called, hires a number of persons, he makes a specific agreement with those persons. If I am wrong, those gentlemen who are planters—some of whom I have no doubt you will examine—will correct my evidence, because I do not pretend to speak with great exactness on this point; but I recollect it has given rise to a vast deal of unpleasantness and dissatisfaction.

Q. 2810. Are these two classes generally paid the same or different wages?—A. Different wages. The task gang driver makes his own agreement; he enters into a contract to perform a certain amount of work, for a certain sum, he hires the people and gives them what he likes.

Q. 2811. Does he give more than the ordinary rate of wages or less?—A. I believe, generally more. The task gang laborers work only two or three days probably in a week; they work very continuously for the period during which they work. I am speaking now more particularly of knowledge acquired eight or ten years ago. When first I came to the Colony they certainly never worked more than three or four days per week.

Q. 2812. But they worked by the task?—A. That is, the task-gang driver has the field given over to him for a certain sum, and he makes whatever arrangement with his people he likes; he pays the people to work for him; therefore, the wages paid to the task-gang do not appear to me to be an accurate mode of gauging the work of the immigrants. If I am wrong, you will obtain the information from other parties, probably with greater certainty; but, I believe I am stating that which is correct.

Q. 2813. The laborers who are not in task-gangs, are they generally residents on the plantations on which they work?—A. No; very few, I believe.

Q. 2814. Then what is their status?—A. They live in the village round about or near the plantations where they work; and I believe they work independently one of another when they are not in task-gangs. They come and say "we will do this for so much."

Q. 2815. They come as a task gang then?—A. Well, they come together, but not under the control of any one person; they say, <sup>J. Crosby.</sup> 5th Sept., 1870  
“we will do this for so much an opening.”

Q. 2816. The task-gang then partake of the nature of a trades-union, the others are free labourers?—A. Exactly, and the free labourers are the persons by whose wages we gauge the wages of the immigrants. I have done it on many occasions. I did it in a very interesting inquiry on the *Bel Air* estate, and I did it on another, the *Moor Farm* estate. I shall by and by bring that very prominently before you, because it will arise out of these transactions. It was that which caused me to direct the attention I have to that to which I had drawn attention years previously and have done since the assistance I received in estimating the value of the labour on that occasion. There was another also on the *Farm* estate, Mahaica.

Mr. Cowie—The *Farm* estate is at Mahaicony.

Q. 2817. Sir George Young—We shall be able to procure these reports?—A. Oh yes, every one of them, every investigation with regard to wages since 1864, you can have at any moment. You will see the care that has been exercised to do justice to complainants, although, I admit, they have not always been satisfied.

Q. 2818. With regard to the free laborers resident on estates?—A. There are very few of them, I believe, free laborers, that is, Creoles.

Q. 2819. Are there any free laborers?—A. There are, I believe, some Portuguese on *Vreed-en-Hoop*, there used to be at least 300.

Q. 2820. Any unindentured immigrants, Coolies or Chinese?—A. There are a great many working on estates, but the managers prefer having them under indenture because they are so much more under control.

Sir George Young—The point I am trying to arrive at is, whether there are many free labourers on estates?

Mr. Crosby—I have no knowledge of any except immigrants. I think our statistics ought to go to that extent; we have no means of ascertaining actually the Creole labor that is available; we are dependent entirely on the returns which are made in respect to the immigrants.

*J. Crosby.*  
5th Sept. 1870

Q. 2821. Mr. Cowie—Does not Mr. Crosby get half yearly returns of the free labourers on the estates?—A. Only immigrants, not free labourers.

Q. 2822. Sir George Young—Have you any returns of the number of immigrants residing on the estates?—A. Yes, of immigrants, Portuguese, Barbadians and other description of immigrants;—they are not what are called free laborers.

Q. 2823. My question included all those?—A: Oh yes; I think there are as many as 6,000 or 7,000 people labouring on estates who are not under indenture; they are immigrants, but they are free labourers to the extent that their labor is not under indenture.

Mr. Cowie—I have been understanding Mr. Crosby to mean Creole labor.

Mr. Crosby—That is the sense in which I used the term free laborer. I used it as meaning a man born in the Colony and not under indenture.

Sir George Young—The term used in the Act is "Creole and other unindentured laborers;" therefore, that would include all of our unindentured immigrants.

Mr. Crosby—There are very few immigrants not under indenture working on the estates.

Sir George Young—I understood you to say there were 6,000 or 7,000.

Mr. Crosby—I spoke of Barbadians —

Q. 2824. Sir George Young—Who have never been under indenture?—A. No.

Q. 2825. We may say, then, that the class of persons resident on estates, include a few Coolies whose indentures have expired; a few Creoles, and 6,000 or 7,000 Barbadians?—A. Yes; and a few Portuguese.

Q. 2826. Do they receive similar or equal wages to those who are not residents on the estates?—A. Oh yes; all the same; the same as the Creole laborers not under indenture, who live in the villages hard by.

Q. 2827. Does not their having a house on the estate count for something?—A. No; it is not taken into consideration. J. Oresby.  
5th Sept. 1870.

Q. 2828. Do they pay any rent for their houses?—A. None. I could refer you to a report of mine in 1862 which laid the foundation of the indenture to be for five years, instead of for three years certain and provisionally for two more. I then stated my opinion, —

Q. 2829. We have learnt from Dr. Shier that those free laborers are freely admitted into estates' hospitals?—A. They are.

Q. 2830. But in spite of all these advantages they receive the same wages as the others?—A. They do. I should like you to see that report, but I have no draft, and —

Q. 2831. Has it ever occurred to you that there is any reason for that.—It seems a strange phenomenon in the wages market?—A. It is an irregularity to that extent.

Q. 2832. What is the reason?—A. It was insisted upon by the home government, that they should have precisely the same wages as the Creole laborers.

Q. 2833. I am referring to the free laborers?—A. The wages of the immigrant must be the same as the Creole laborers.

Q. 2834. But what is the reason why the free immigrants and other persons resident on estates receive the same wages as those in the villages, notwithstanding the great advantages they enjoy?—A. There are cottages on some estates—I believe on *Blankenburg* for instance—they have cottages which they rent to the laborers, but they live there independently; they can work where they please, but, as a natural consequence, they work on an estate near where they reside, like agricultural laborers in England.

Q. 2835. Putting the task gang labourers on one side, we have established two classes besides them; those who come from the villages, and those who reside on the estate. The latter have great advantages, but the wages of the two classes are the same. Is there any reason for that being so?—A. I believe they have the same wages as the immigrants.

Q. 2836. How comes it that the residents get as much wages as the villagers?—A. There are only a few instances, and the



**J. Crooby.** Creole is so valuable a laborer when he is a laborer, that I dare say that is a sufficient inducement. The Creole laborer can perform a great deal more work, his physique is very far superior.  
5th Sept. 1870.

Q. 2837. But, surely, Creole laborers come from the villages?  
—A. Yes.

Q. 2838. Then, why are they not so valuable?—A. They are.

Q. 2839. But they do not get nearly so much?—A. No; they do not. For the most part they are small free-holders. It is a complicated system, and one which it is difficult altogether to comprehend. I do not know that I have given my statements with that clearness which enables you to comprehend. There is no difference in the rate of wages paid to the task gang people on the one side.

Q. 2840. Have you been able to ascertain that the average rate of wages is the same throughout the Colony?—A. It varies slightly but not much. The return to which I alluded in 1863, or early in 1864, when an inquiry was made throughout the Colony by the Sub-agents, one in the county of Demerary, the other throughout Essequibo and Berbice, shewed that it varied very little indeed.

Q. 2841. Are you able to ascertain what the cause of variation is?—A. There are the returns themselves.

Q. 2842. Can you from your experience suggest any reason for the variation from place to place?—A. Only the difference in the soil and the supply of labor. There might be a superabundance of laborers in one place and not in another, but I think the price of labor is pretty nearly the same throughout the Colony.

Q. 2843. The President—Was the inquiry you refer to made in 1854?—A. No, it was in 1863 or 1864. I think it was in 1863.

Q. 2844. There was one before that in 1854?—A. No, there was none as to wages in 1854, that I am aware of; but 1854 was before my time.

Q. 2845. Sir George Young—1857 was the date, I think, was it not?—A. Oh! yes, that was upon the working of the Ordinance No. 7 of 1854. The Stipendiary Magistrates were asked to report, and I, as one of them, reported upon the working of the Ordinance, No. 7 of 1854. It had not any particular reference

to wages, but I there allude, I think, to the small period of time that people work. I can easily give you the return, but I think I have not read it since I wrote it, as far as I recollect. I will bring it. J. Crosby.  
5th Sept. 1870,

Sir George Young—We have these papers before us in the English blue book; they are reprinted there. There was also an inquiry into rates of wages.

Mr. Crosby—I think the inquiry was into the working of the Ordinance.

Sir George Young—There was a double inquiry, one upon the working of the Ordinance, another on the price of labour. I believe that in your letter you state that you had been such a short time in the Colony, that you were not able to furnish the information which other magistrates were able to furnish in respect to labour.

Mr. Crosby—Yes, I think I stated that I had but lately arrived in the Colony, and that I was not so capable of judging as others who had been longer in the Colony.

Q. 2846. Sir George Young—I suppose you have to watch pretty closely in this matter of wages, the rate by which the wages paid to the immigrants are measured?—A. Yes, we do with great care in the investigations on estates. But there is a very great deficiency, and there it is that the magistrates and everybody else are at such a loss, and that is why I think the report of mine with regard to *Moor Farm* is so valuable. I believe I recollect its purport.

Q. 2847. Are there in the office any statistics of the rate of wages from year to year throughout the Colony?—A. No; there are not. We are entirely guided by the circumstances which arise from time to time.

Q. 2848. What steps do you take in the office to ascertain that the Coolies are paid fair wages?—A. Only by going on the estate and making an investigation there. The immigrants usually state their grievance. They give certain facts, or rather state certain matters as facts, and then one of the Sub-agents or myself visits the estates to ascertain the correctness of the statement.

Q. 2849. The rate actually paid, you can ascertain that from a more certain source than what the Coolies state?—A.

*J. Crosby.* Yes; all we can do is to ascertain the rate that is paid to the free laborers—the Creoles working on the estate and the next estate.

Q. 2850. Have you access to the books to see that?—A. Oh yes.

Q. 2851. Are you allowed to make extracts from or analyses of the estates' books?—A. Oh! anything we choose. There is never any restriction that I have found.

Q. 2852. The President—Then, things are very much improved since 1857?—A. Oh! there has been a gradual improvement year by year.

Q. 2853. Because in 1857 there was great difficulty in getting information?—A. Oh yes, very great. I was very anxious in 1857 to get statistics throughout the Colony of the quantity of land under tillage, the quantity of land capable of producing sugar and the price of every description of labor, but I could not get it carried out.

Q. 2854. How were you prevented?—A. It was not done by the authority of the Government at all, and therefore we could not get the information.

Q. 2855. Sir George Young—In what year was that?—A. In 1857, when first I came here.

Q. 2856. Was that before you were in the Office of Immigration Agent General?—A. Yes, before I had any idea of it. I wanted to know the number of the Creole population, the number of laborers of every description employed on estates, the quantity of land in cultivation, and the quantity capable of being cultivated on each estate, and the amount of its produce. I thought it would have been a most useful thing, and it would.

Q. 2857. You wished, then, to go further in advance than has been found possible in England since?—A. I wanted to ascertain what the population and resources of the Colony were.

Q. 2858. The President—And the information was refused to you?—A. It was refused.

Q. 2859. By whom?—A. It is a long time ago now; it is not worth while to mention names. I could not get the information.

Q. 2860. But it was not you only who were refused information. *J. Crosby.*  
then?—A. I was the originator, because I offered to do it, and *5th Sept. 1870*  
not only to do it in my own district, but, to consolidate the whole  
I thought it would be a very useful thing to lay before Parliament.

Q. 2861. It was not you only who were refused information I  
think?—A. I do not know; I am not aware of any other.

Q. 2862. Though there were some exceptions some appeared  
readily to give information?—A. No; there was no information  
given that ever could be relied upon. I have the original letters  
of Mr. Walker on the subject, written while he was administering  
the Government, and the letter written by me.

Q. 2863. Sir George Young—You never saw these papers I  
suppose? (handing to the witness the English blue book)—A.  
Why this is by me; a report by me apparently. Strange to say,  
I have never seen this before.

Q. 2864. With regard to these sets of tables, have you ever  
seen them? they go on for two or three pages.—A. No; I have  
not seen these at all. I have no doubt this was the part of the  
subject in reference to which I said, that owing to the short  
period of time I had been in the Colony, I was unable to give  
the information wished for.

Q. 2865. In these investigations you have conducted from  
time to time, have you noticed any fluctuations in the rate of  
wages?—A. No; I have not.

Q. 2866. As for instance, in that time of drought?—A. No;  
people have frequently complained they did not get as much  
wages as they formerly had done. All these cases have been  
investigated with great care, and, generally speaking, I think——

Q. 2867. I am not of course alluding to complaints as to the  
wages actually paid to the immigrants, but to investigations to  
ascertain the rate that ought to be paid. Have you noticed  
fluctuations of wages outside of the immigrants?—A. No; I  
cannot say that I have, not being in any way an employer of la-  
bour. Of course, I have no immediate knowledge of the subject,  
it only comes incidentally before me when we are called into ac-  
tion, when parties make complaints.

Q. 2868. You have not considered it necessary to keep the  
office constantly in possession of the market rate of wages?—  
A. Oh no! it would be impossible. The daily routine business  
of the office is sufficient for its staff.

J. Crosby. Q. 2869. Have you yourself any knowledge of the rates of wages ordinarily paid in the Colony for field labour?—A. No; 8th Sept. 1870 I cannot say that I have, except through the medium of these investigations.

Q. 2870. Have you any idea what the minimum of wages earned by an able-bodied man on a sugar plantation would be likely to be?—A. An able-bodied man like a Creole would, I should say, earn from 1s 4d to 2s per day; an Indian immigrant I should say would not earn more than two-thirds of that sum.

Q. 2871. What would the strongest kind of agricultural labourer earn?—A. I should say about that sum, 1s 4d to 2s in the field. I have no doubt some Creole labourers earn much more.

Q. 2872. And about 10d or 11d to 16d for a Coolie?—A. I should say from 10d to 15d for the immigrant.

Q. 2873. How much is 10 annas?—A. Fifteen pence.

Mr. Cowie—14d. would be nearer the mark.

The President—In round numbers, we would say 15d.

Q. 2874. Sir George Young—Then, you would say, that the statement in the certificate we saw this morning is a misleading one, would you not?—A. I should say it was an exaggeration.

Q. 2875. Is there any means by which we can discover how long the Agent in Calcutta has been allowed to put out that statement?—A. None; only from his appointment. I think his appointment was in 1863.

Q. 2876. You think from the time of his appointment in 1863? A. I think it very probable.

Q. 2877. You never noticed the circumstance yourself until lately?—A. No; I never did.

Q. 2878. Until this morning in fact?—A. I really think not until this morning; I have seen these certificates so very seldom.

Q. 2879. Mr. Mitchell—Is the work of unindentured labourers generally considered as equal to that of the indentured?—A. You mean free laborers?

Q. 2880. Creole laborers?—A. I believe they do relatively J. Crosby.  
generally more work.

5th Sept. 1870

Q. 2881. But would they do better work?—A. Of that I am not capable of judging; but I should say that the Creole laborers do better work.

Q. 2882. The unindentured labourers do better work?—A. I do not know that they do the work better than the indentured laborers, as far as nicety of work goes. I believe the Chinese do their work faithfully and with great neatness, but the drains and all those things are generally dug by the creoles, and from long use they dig them with great neatness, and as straight as possible.

Q. 2883. These unindentured laborers are pretty well able to choose their work?—A. Oh yes. I think so, generally speaking. Of course, the greater the population is, the less probability is of their being able to make a choice. Of course, an unindentured labourer who lives in a village can make choice of his employer, but if he cannot get work near his residence it is probable he would rather take work at a less rate near than walk a long distance.

Q. 2884. Then as a rule, do these unindentured laborers perform the same kind of work as the indentured?—A. I think they generally perform able-bodied work, if I may so call it.

Q. 2885. That is to say the heavier work?—A. They do the heavier work; dig drains, shovel plough and the like. I think the immigrants, particularly the women, do the lighter work such as weeding. I believe the Creole laborers will not do that work, they look upon it as beneath them.

Q. 2886. Then, what means of comparing have you?—A. When they perform the same work.

Q. 2887. But when they do not?—A. When they do not there is a difficulty, particularly with regard to the weeding, but there I fancy that the women do most of the work.

Q. 2888. Sir George Young—There appear to be no penalties for a breach of this section 103?—A. No; the parties are obliged to resort to their remedy under the Petty Debt Act.

Q. 2889. Unless section 114 as to ill-usage covers it, I sup-

*J. Crosby.* pose?—A. That has been acted upon. That is the only clause  
5th Sept. 1870. directly where the immigrant appears to me to have any protection in this Act, except in relation to the hospital and all those things of course.

The President—Before we adjourn, Mr. Cowie, are there any questions you would suggest?

Q. 2890. Mr. Cowie—I do not know whether the Commissioners have concluded their examination with regard to this important matter of wages. Sir George Young—No; we have many questions yet to put. If they have not I would rather reserve what questions I have to ask on that subject; but there are one or two questions with regard to one or two other matters I would like to put. In the first place, I do not quite understand whether, in the event of a laborer being imprisoned, the Immigration Office get any return from the Magistrate of the conviction?—A. No; we get no returns. We ought to have the conviction under section 105, and I have written for it time after time, but I have never got it.

Q. 2891. Do you know whether returns of convictions are made to the Government or to the Supreme Court?—A. Convictions are sometimes, when called for, sent in to the Sheriff, but they are very seldom drawn up, even on appeals. They are never sent in scarcely to the Review Court.

Q. 2892. But the Stipendiary Magistrates make monthly returns, do they not?—A. They make quarterly returns to us of all prosecutions that have taken place before them for a breach of this Ordinance, but there is no return of complaints on the part of the immigrants against their employers.

Q. 2893. Would these quarterly returns shew the number of immigrants that had been imprisoned for any breach of the Ordinance?—A. Yes, it would. It would shew the number of complaints, the number of convictions, and the number of dismissals.

Q. 2894. Sir George Young—They make those quarterly returns direct to your office?—A. Yes; they are incorporated in our statistical returns.

Q. 2895. Are they compelled to do so?—A. Not by any Ordinance, only by directions of the Governor.

Q. 2896. How long have these returns been made?—A.

About two or three years, I think. They would be very useful if they were a little more full. I dare say there would be no objection to their being made so. I drew a form sometime ago, but it did not please me. J. Crosby.  
5th Sept. 1870.

Q. 2897. You say they contain the number of complaints, the number of convictions, and the number of dismissals?—A. Yes, under the Immigration Ordinance; no general return.

Q. 2898. Mr. Cowie—I am so strongly under the impression that I have seen very full returns, that I should like to ask whether there are not monthly, or possibly, quarterly returns of all convictions made by the Magistrates to the Government Secretary's Office?—A. Yes, there are; they are made to us quarterly, but they show the number in each month.

Q. 2899. How often are they made to the Government Secretary?—A. Oh! they come to us, but they have come first to the Government Secretary.

Q. 2900. You do not know how often?—A. Once in three months.

Q. 2901. Sir George Young—Has it become the custom to send these returns which are made by the magistrates with the Sub-Agents when they go on their visits to the estates?—A. No, they do not set forth the names; they only set forth the number from each district, that is all. Each magistrate sends the total number in his district, for instance, twenty complaints, ten dismissals perhaps and ten convictions.

Q. 2902. They are mere statistics?—A. That is all, they give no further information whatever.

Q. 2903. Mr. Cowie—I should like to ask a question with reference to Coroners' Inquests. I understood Mr. Crosby to say a short return was made; what action does he or can he take upon that?—A. If we have any reason to suspect anything wrong has taken place we make inquiries, and always we are anxious to ascertain the names of the parties, so that they may be registered as having died. The Coroner's Inquest is in no way satisfactory; that is to say, the abstract of it, for the inquisition never comes. We probably have to ask the Coroner if he searched the body, and if he were able to ascertain who the party was.



J. Crosby. Q. 2904. I would like to ask also whether Mr. Crosby has  
 5th Sept. 1870. any reason to suppose there are many instances of people dying  
 off the estates who cannot be traced. He mentioned that there  
 were instances. Do you suppose it is frequent?—A. It is not  
 so frequent now. It was frequent some years ago, very frequent  
 indeed.

Q. 2905. The instances now in which people are not traced  
 are very much less?—A. Very much less.

Q. 2906. In the case of every person dying on the estate  
 out of hospital is there any inquest?—A. Oh! that depends  
 upon circumstances I should say.

Q. 2907. You could not say?—A. I could not say. If there  
 is any occasion for an inquest I should hope one is always taken,  
 but there is no means of checking that; for instance, in that very  
 case I alluded to this morning from *Ma Retraite*, the moment I  
 found the woman had died in *transitu*, I wrote immediately and  
 said an inquest ought to be made, and I wrote to the magistrate  
 to know why an inquest had not been held.

Q. 2908. You do not know why an inquest is not held in  
 every case?—A. No, I do not.

Q. 2909. Sir George Young—Probably if an immigrant died  
 of some common disease under circumstances in which he ought  
 to have been in hospital, but under circumstances in which  
 there ordinarily would not have been a Coroner's Inquest, the  
 fact of his dying out of hospital would not be a reason for hold-  
 ing an inquest?—A. It would not be a reason for me to insti-  
 tute an inquiry.

Q. 2910. But with regard to the Coroner, would he hold an  
 inquest merely because an immigrant had died out of the hospi-  
 tal?—A. I should hardly think so; he would be guided by the  
 provisions of the Coroner's Act.

The President—That only requires that an inquest shall be  
 held whenever any person shall come by his death in a sudden,  
 violent or unnatural manner, or whenever any dead body shall  
 be found, or whenever there shall exist concerning the death of  
 any person any reasonable suspicion that such a death has not  
 arisen from natural causes.

Q. 2911. Mr. Cowie—I shall be able to render some evidence on

that subject if necessary. There is just one other question, and only *J. Crosby.*  
one, as I am not going into the question of wages at present. Mr. *5th Sept. 1870.*  
Crosby was speaking of people having been despatched from  
India as being quite unfit for agricultural labor. Have you  
reason to think there has been an improvement since 1863 in  
the class of immigrants?—A. Oh yes; certainly.

Q. 2912. As regards their fitness for agricultural labor?—

A. Yes. My reports have been very strong on these matters,  
somewhat severe, and I think they have had some effect.

Mr. Cowie—On the question of wages I will not suggest any-  
thing until the Commissioners shall close their examination of  
Mr. Crosby on that subject.

The President—Have you any questions to suggest Mr.  
Jenkins.

Mr. Jenkins—I have so many questions to suggest that it  
would be a great kindness if the Commission will allow me to  
postpone them to some future time.

The President—Very well, then we will adjourn until to-  
morrow at 11 o'clock, and we shall not sit on Wednesday.

The Commission then, at 5 o'clock, adjourned until  
Tuesday, the 6th inst., at 11, a.m.

*Eighth Day : Tuesday, 6th Sept., 1870.*

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The Commissioners took their seats at 11 o'clock.

The President—With reference to the list of people you handed in, Mr. Jenkins, do you intend to offer all your clients for examination.

Mr. Jenkins—Oh no. As I stated at the opening of the Commission, I shall avoid as much as possible giving trouble to the Commissioners. I shall probably not bring forward one-tenth of them.

The President—You will select those whom you think it advisable to bring forward?

Mr. Jenkins—Yes.

J. Crosby. The President—Then, will you proceed with the questions you 6th Sept. 1870 wish to put to Mr. Crosby.

Q. 2913. Mr. Jenkins—I should like first of all the witness to be asked if there are any private reports, other than those to which he has referred, which he has been in the habit of sending in to the Governor?—A. Oh yes; by way of minute. All those letters I referred to yesterday, which from necessity I had sent on to the Governor ever since 1867, in the canister—upon every one of these I write a minute. Those were not only letters, but for the most part complaints of all descriptions. In a minute upon each I have given the Governor my views; he approved or disapproved of them as he thought fit, and I acted accordingly. It was in very few instances indeed that he did disapprove or alter these minutes, as you will see. As you can see they are all available, every one of them can be produced, and every one of them can be seen.

Q. 2914. Are they in the Immigration Office?—A. Yes, all of them.

Q. 2915. I wanted to know whether there were any private reports?—A. You mean confidential reports?

Q. 2916. Yes?—A. No. I do not know of any particularly. *J. Creedy.*  
 I have had legal matters referred to me for my opinion, those <sup>6th Sept. 1879</sup> might be looked upon as confidential reports, they were not generally connected with the duties of my appointment, though I had some of those. There were one or two rather particular instances. There was one which was referred to the Supreme Court—that was the case of *Field v. Sohun* or *Johan*; I think it was. There were three cases, *Field v. Johan*, *Seewotobul v. Menzies*, *Atchay v. Menzies*, and probably you will be a little surprised when I state that they were all referred to me for my opinion after the decision of the Court. I have never divulged it until this moment, nor did anybody know from me that such a reference was made, or that I had sent in any confidential report. The reference was on the construction of Ordinance 4 of 1864, sections 115 and 116. Why it was referred to me by Sir Francis Hincks was, because he knew, of his own knowledge, that I had framed the bill, and that these causes upon which the question arose never emanated from me. Only the first line of these is to be found in the first Bill I drew. I could shew distinctly and I did so in the report or opinion, or whatever it may be called, which I sent in in this case—the whole course of legislation in respect to these clauses and when and how they were introduced.

Q. 2917. The witness said that very few Chinese have gone home. Will he tell us if he knows how many have come here?—A. I think I said about 20 had gone home, but I do not think that quite so many as 20 have returned.

Q. 2918. And how many have come out?—A. I should say, in round numbers, that about 8,000 Chinese have come out; but my memory on many of these points is not quite so accurate as I could wish.

Q. 2919. Do you know how many are in the Colony at the present moment?—A. I should think about 6,000; but that can be ascertained accurately and actually by the returns, and it is better that it should be so.

Q. 2920. This question I ask for a reason. In your opinion, have the Chinese any moral claim to be assisted to their own country?—A. No. I am bound to say not. They have neither a legal nor a moral claim. I was asked yesterday whether any had made an application for a return passage to their own country. There were some, chiefly men, who had come here in the capacity of doctors, Chinese doctors. There were at one time a number of

*J. Crosby.* them in the Immigration Depot, and they were a considerable  
6th Sept., 1870 expense to the Colony.

Q. 2921. Sir George Young—In the capacity of doctors?

—A. Yes. Employed as doctors in the ships; they came here and brought their families with them, some of them intending to reside, and probably thinking they could practise their profession here. I believe some of them attempted it; probably it had been represented to them that they might do so; they never made any claim for a return passage until they found themselves in the immigration depot, and I was instructed to get rid of them by some means or other; they were an incumbrance and a great expense to the Colony. I have read the minutes upon that subject this morning. These are the only cases I recollect, but they had no claim.

Q. 2922. The President—How did you get rid of them?—A. In fact they were given small sums of money to set up for themselves. They were offered land but it was not convenient for them to take land.

Q. 2923. Sir George Young—You say they were offered land, but you say it was not convenient to them to take land?—A. No; they were not agriculturists in any way; they therefore would not accept it. That was done through a very intelligent man we had here, an interpreter, who was a very valuable person indeed.

Q. 2924. Do you know what description of land was offered them?—A. No; at this distance of time I cannot tell. I think the proposition was merely made to them by direction of the Governor to ascertain if they were willing to take land.

Q. 2925. The President—You do not recollect the terms on which you offered them land?—A. No.

Q. 2926. Was it in writing?—A. Merely entered on the minutes of the Governor.

Q. 2927. Are you able to find them?—A. I am very much afraid there is no trace of it in the Immigration Office, but there may be, it happened in 1862.

Q. 2928. Would you kindly look for the papers?—A. You wish me to search the records of the office?

Q. 2929: Wherever it is?—A. Wherever it can be found, I will endeavour to do so. This is a minute which I think will lead me

to it, although, as you may know, it is very concise, being merely a minute. J. Crosby.  
6th Sept. 1879.

Q. 2930. Sir George Young—May we ask the substance of it ?  
—A. The substance is to get rid of them by some means or other.

Q. 2931. Would you read it ?—A. I do not know whether I should do so, perhaps I ought to hand them in. These are communications from the Governor to myself; they are not exposed to the view of anybody in the Department; they are communications between the Governor and myself to and fro. I have no objection to produce anything I have ever written, and I will hand it up to you. I only got them hurriedly this morning.

Q. 2932. It belongs to eight years ago ?—A. Yes; I will do it while you are at luncheon. I only went over them this morning to see whether there was anything likely to be useful.

Q. 2933. Mr. Cowie—Perhaps you would ask Mr. Crosby what became of these persons. I understand him to say small sums of money were given them to set up, what did they actually do ?—A. Really, they are lost one way or another in the community. I think there are one or two Chinese doctors who go about here; one has a store or some kind of occupation of that kind at Plaisance. Some of them are very old men.

Sir George Young—Was there any investigation to discover whether the temptation had been held out to them in China that they would be able to practise here ?—A. No. I have never had any suspicion of the kind. They seemed to me never to have contemplated it. It is quite possible that subsequently they might have expressed strong wishes, as we all do, to go back to their native country, but it never was demanded as a right. To shew that that is the case, I may mention that all who have returned, have returned at their own expense. The fact is, these minutes upon petitions and all matters of that sort which have come into the Immigration Department and been referred to the Governor for his sanction, will develop the whole system.

Q. 2934. You say they came here probably thinking, and that it might have been represented to them, that they might practise in the Colony ?—A. Yes, but I have no ground to make that statement as truth or that there was any inducement held out to them.

Q. 2935. It never was alleged by them ?—A. No, not to my recollection or knowledge, never.

*J. Crosby.*  
6th Sept. 1870.

Q. 2936. Mr. Jenkins—Has the number of immigrants returning to their own country increased proportionally with the increase of Immigration?—A. I think it has; for instance now I think a ship will be sent every year.

Q. 2937. Was any sent last year?—A. Yes.

Q. 2938. And the year before?—A. Yes, I think the year before; every two years until lately has been about the rule. I sent in a return some time ago of every ship that had left from the earliest stages of immigration, from 1843 downwards, whatever moneys we knew of their taking away and a slight approximation to their jewellery, &c., calculated upon the number of deposits actually made.

Mr. Cowie—There is a Parliamentary return on that subject up to the end of 1869.

Sir George Young—I understand there has been a return recently made, which gives the information in a more concise form?—A. It only gives it for ten years. The one I sent in went back to 1843; I sent that in on the sailing of the *Ganges* last year. I have not got it here, but I think I can give the drift of my report. It is the first report on the *Ganges*. There were two; that portion of it which had reference to the number of persons that had gone was subsequently struck out and another report sent in, therefore it is the first report, not the report that actually went home to the Secretary of State that I mean.

Q. 2939. Was this the report that was shewed to me as having been moved for by Mr. Daly?—A. No; the one Mr. Daly obtained was the one for ten years. I believe the direction was only for ten years, but the one that I will send in—you will see it entered in the book in the Immigration Office whenever you visit it—was from the beginning to the end.

Q. 2940. Mr. Jenkins—I understood you to object to the interference of police in the prosecution of immigrants?—A. Oh yes, I did. I think it was a sad infringement of Ordinance No. 4, of 1864, section 99.

Q. 2941. You think the Ordinance does not allow the police to interfere in the prosecutions or in any other way?—A. Certainly not with any prosecution under Ordinance No. 4, of 1864, section 99. I read yesterday evening my report which I sent in to the Governor calling attention and insisting upon it—although his opinion was directly adverse—strongly urging that

the Immigration Agent General was solely responsible.

*J. Crosby.*

Q. 2942. Do you know of any relations between the police and the immigrants?—A. None exist that I am aware of. 6th Sept., 1870

Q. 2943. Are you aware of the state of feeling towards the police in the minds of the immigrants?—A. I never heard there was any hostility or unkind feeling towards the police in the breast of the immigrants. I make no complaint of the way in which the police perform their proper duties, but the force was imperfectly officered, if it was to undertake these duties. An Inspector could not be spared, and it was left to a mere Serjeant of Police to conduct the case.

Q. 2944. Have you any idea what the average of the daily complaints made by immigrants against managers of estates is?—A. Not the daily average. Sometimes there are many consecutive days when there are no complaints, and I have had sometimes three or four very important ones on the same day. The greatest number that I have ever known was, I think, in the last half of last year 1869.

Q. 2945. Were they all investigated?—A. Yes, either by the Immigration Department, or sometimes in consequence of the pressure upon the department at that time, by the Stipendiary Magistrates, particularly in the district over which Mr. Ware presided. I do not think that a judicious plan, because he became the inquirer and the prosecutor also. I think the Stipendiary Magistrates' duties ought to be all strictly judicial and none other. All the ministerial duties should devolve on the Immigration Department. I do not state this to the disparagement of anyone, but merely in reference to the system.

Q. 2946. When you say that these complaints have all been investigated, is it not a fact that very often they are referred primarily to the manager?—A. Oh yes; they often are primarily referred to the managers.

Sir George Young—We have not dealt yet at all with the complaints laid before the Immigration Office, or with the manner of investigating them.

Mr. Crosby—There is a vast amount to unravel.

Mr. Jenkins—You referred to the *Enterprise* case, in which Mr. Clarke, the manager, was fined a large sum, \$50 in each case, I think, for having shut up eight Chinese in a privy. I want first of



*J. Crosby.*  
 9th Sept. 1870

all to ask whether, in your opinion, the option of a fine should be given in such cases?—A. They were prosecuted I have understood, but I knew nothing of that case, strange to say. The complaint was made and it was forwarded to the Governor with my minute on it; it was sent to the police and I have never seen it since. The only mode in which I ascertained anything concerning it was in consequence of one of my Sub-Agents being subpoenaed to prove that the parties were under indenture.

Q. 2947. Was Major Mundy acting Governor then?—A. He was. The police had to come to the Immigration Office to ascertain how they had to proceed. I never saw the informations, for although I wrote and requested I might have the informations, the evidence and the convictions I never saw one of them.

Q. 2948. The President—They were withheld from you?—A. They were withheld. I requested that I might be furnished with them. I have the reports here, my report pointing out to His Excellency the very great impropriety in my opinion of the police being employed; and it turned out, with the exception of two convictions, that they were all wrong and might have been set aside. The attorney of the estate, I have understood, would not permit the manager to apply to the Court of Review, or they must have been upset.

Q. 2949. Mr. Jenkins—Are you aware whether any representation was made by the Governor to the attorney of the estate, requesting him to remove the manager?—A. Yes. That case gave rise to no less than 57 letters. It might have been settled in three or four days, and if left in my hands I would have settled it in three or four days.

Q. 2950. Was the manager removed?—A. No, he was not. The Governor has no such authority.

Q. 2951. Did the Governor threaten to remove the immigrants?—A. Yes, when he had found he had made a mistake in directing the manager to be removed, he did threaten to remove the immigrants.

Q. 2952. Did the attorneys of the other estates hold a meeting and declare that they would not receive those immigrants if they were removed?—A. Not that I ever heard of.

Q. 2953. As a fact, the manager remained on the estate?—  
 A. He did.

The President—Did you say a meeting of managers was held? *J. Crosby.*

6th Sept. 1870

Mr. Jenkins—I asked whether Mr. Crosby was aware that a meeting had been held of proprietors and attorneys, and a resolution came to that if Major Mundy removed those immigrants, they should not be received on any other estate in the Colony?

Mr. Crosby—I am not aware of any such resolution or meeting.

Q. 2954. The President—Ultimately was the manager removed?—A. No, he was not.

Q. 2955. Mr. Jenkins—Was he not removed a few months afterwards?—A. No, I do not think so.

Mr. Cowie—May I ask Mr. Crosby to remember for an instant. I think he is mistaken.

Sir George Young—We have it in evidence that the manager was removed a few months afterwards.

Mr. Crosby—I do not know it; this was in 1867.

Q. 2956. The President—His removal, was it for some other cause?—A. I do not know for what cause, but certainly not for that cause; but, of course, that is a matter that does not really come before me at all.

Q. 2957. Mr. Jenkins—Will you kindly refer to Act No. 9 of 1868. At the end of the 12th section there is a proviso that no indentured immigrant shall be held to be absent from work, if he so absented himself to make any complaint on reasonable grounds before any Stipendiary Justice of the Peace or to the Immigration Agent General.

Sir George Young—All this is matter we have not yet come to in the course of our questions, but we certainly shall come to it.

Q. 2958. Mr. Jenkins—Then, at section No. 103, Ordinance 4 of 1864, there is a proviso that—"If any female immigrant under indenture or contract of residence, shall be married to some other immigrant indentured on some other plantation, the wife may in such case be re-indentured to the proprietor of the plantation on which the husband may be indentured, if such proprietor will accept the services of such wife, or the wife may commute for the remaining term of her service." I believe there is no provision for the commu-

*J. Cynby.* tation of a female immigrant's indenture in case she wants to  
 6th Sept. 1870. marry a man on some other plantation?—A. No; but it is  
 always acted upon.

Q. 2959. Not always, I am afraid?—A. Yes, I believe so. I mentioned the last time I was examined that the parties both must be under indenture. Wherever the one party is under indenture and the other party not under indenture, the mode I have adopted has been this: I have written to the manager and have expressed a hope that he would accede to the wishes of the people in order that they may cohabit together as man and wife, having of course being married under Ordinance 10 of 1860. In some instances they have refused. When they have refused I have expressed great regret and have called the Governor's attention to it and to his power under section 112. That has been exercised and the party has been removed. That is rather an arbitrary mode of carrying out the law probably, but it is a highly moral one, and one in which the husband has repaid every farthing, he has paid the full amount of the wife's service, and there is no cause of complaint in reality.

Q. 2960. Sir George Young—Has that power always been exercised in such cases?—A. There may have been one or two instances in which it has been done; it is not always done.

Q. 2961. Mr. Jenkins—Did the Governor last year issue a circular with respect to managers and overseers on estates cohabiting with Coolie women?—A. He did.

Q. 2962. Do you know the date of the circular?—A. It was early in the year.

Q. 2963. Sir George Young—Do you know of any instances in which action has been taken under section 112?—A. Generally the party has been released from indenture upon my requesting it. In several instances that has been done.

Q. 2964. Has been released without commutation in that case?—A. Oh no; by commutation, on the condition of the estate being refunded the value of her remaining services in the same manner as a woman can commute under section 70. Sometimes a woman would prefer to be entirely free, sometimes not. If both parties to the marriage are under indenture we say nothing about it to the manager; we only tell them, when applied to, the amount they are entitled to receive in commutation of the woman's services.

Q. 2965. As to your references to the Governor and to section 112, has any action ever taken place by the Governor under that section?—A. Oh! very frequently. J. Crosby.  
Oct. 24, 1870

Q. 2966. And in that case is the commutation paid?—A. Oh yes, it is paid in the office, or we send them to the manager with the proper forms, filling them up with the amounts due as commutation. They must bring a receipt that the money has been paid.

Q. 2967. Mr. Jenkins—Do I understand that in the case of every Coolie arriving at the Immigration Office and requesting interference on behalf of an indentured Coolie when he wanted to marry, you would interfere?—A. Oh! yes, under all proper circumstances; but I have had old men of 60 bringing young girls of 12, or 14, or 16, and I have forbidden the banns in cases of that sort. There are cases consequently where it would be imprudent and improper to interfere. The facts are always stated in the minute which I send in to the Governor, so that he is able to form his own opinion; if he coincides with me, of course it is carried out.

Q. 2968. Is the witness aware of a circular addressed by the Governor to Magistrates during the present year forbidding them to inflict on women engaged in task work, indentured immigrant women brought up for non-performance of work, a larger fine than six guilders?—A. No; that I have no knowledge of. That must have taken place, if at all, since I have been removed from the department.

Sir George Young—I think we shall come to that subject.

Mr. Jenkins—I put the question now in order that the fact may become known.

Mr. Crosby—I have no knowledge of it; it must have been since I left the department.

Q. 2969. Mr. Jenkins—You say the registers of mortality ought to be certain and reliable. Are they?—A. They are not in all respects, because sometimes persons are reported dead when they are not so, and sometimes persons are reported as having just died when they have died three or four years before. Then we are obliged to write and ask who are really dead, as the person mentioned had died three or four years before. It is these minute details that occupy the office to so great an extent, because we cannot get things properly done by others.

*J. Orosby.* Q. 2970. Have you any reason to believe there are any large number of deserters, or the reverse?—A. I think desertions are very much less frequent than they were.

Q. 2971. Are there not a large number of deserters up the rivers?—A. I have heard so. I do not know.

Q. 2972. Are there many in the islands in the Essequibo, at least?—A. I do not think so, because in the islands which are cultivated they would be discoverable.

Q. 2973. Is it possible that many have gone to Orinoco?—A. I think not.

Q. 2974. Have many gone to Surinam?—A. That I cannot say. I believe a good many Chinese have gone to Surinam, but I cannot say whether indentured immigrants. I think we had once great complaints from *Eliza and Mary*, immediately opposite the coast, of a great many desertions to Surinam. I think they were chiefly Chinese.

Mr. Cowie—I did not know we were going into the question of desertion at present.

Sir G. Young—No: we did not mean to go into it.

Mr. Cowie—Might I interpose one question. I believe those that desert are chiefly Chinese?—A. Yes; those who leave the Colony, but that which is called desertion under the Act, and which is merely absence from work, is more frequent amongst the Indians.

Sir George Young—The only questions we have asked about desertion have been in reference to these returns.

Mr. Jenkins—My question was in reference to the mortality returns.

Sir George Young—Yes: your question was quite in order.

Mr. Jenkins—We have already had some cases where allotments of immigrants have been made with insufficient accommodation on the estates. Are you aware of any instances beyond the one of yesterday?—A. No; it has not been brought to my notice.

Sir George Young—What sort of accommodation do you mean to ask about.

Mr. Jenkins—Either house or hospital accommodation.

Q. 2975. You mentioned the case of *Eliza and Mary*. Do you remember the case of *Pln. Waterloo*?—A. No ; the way in which I became acquainted with these facts is simply through the reports of Dr. Shier. J. Crosby.  
6th Sept. 1870

Mr. Jenkins—Dr. Shier says he does not know.

Sir George Young—You see the result of mixing up two things—house accommodation and hospital accommodation. You are now speaking of one, and Mr. Crosby of the other.

Mr. Jenkins—I am referring only to the latter.

Mr. Crosby—I think there were two, if not three, estates last year that were so circumstanced.

Q. 2976. Mr. Jenkins—What means have you for ascertaining before allotting immigrants that there is sufficient house accommodation?—A. We ought to satisfy ourselves.

Sir George Young—Are you not satisfied, Mr. Jenkins, with the very minute questions I put upon these points ; that very question I put in the same words.

Mr. Jenkins—There is just one point. Is it possible to ascertain whether the old immigrants are not crowded for the purpose of introducing new ones. Dr. Shier was asked questions with regard to that, but this witness has not been examined on the point.

Sir George Young—Yes, he has ; very fully.

Mr. Crosby —I think so.

Sir George Young—But if there is any particular question we have omitted, or anything you wish to remind us of, pray ask it.

Mr. Crosby—I could only ascertain that from Dr. Shier or the Sub-agents. The machinery is not sufficient. There ought to be returns and there ought to be inspections. There is no doubt that the department ought to know at the commencement of the immigration season whether there is accommodation for the number of persons applied for in each year. If I mistake not, this year 10 different estates have applied for as many as 200 additional immigrants. I only speak from memory.

Q. 2977. Mr. Cowie—200 each, do you mean?—A. Yes, 200 each.

*J. Crosby.* Q. 2978. Mr. Jenkins—There is a question I wish to ask on the 6th Sept. 1870. 94th section, which has reference to the renewal of indentures when an immigrant has been imprisoned. Is not the effect of that section to punish an immigrant twice over for the same offence?—A. He is under engagement to serve an employer for a given period of time. If he is imprisoned, through his own misconduct, I think the employer ought to have a right to his services for a further term equal to the period of his imprisonment. So far he may be said to be punished twice; but it is very different from the law of England.

Q. 2979. Are you aware that when immigrants are imprisoned in the district gaols they are put to task work on estates?—A. Yes, they are.

Q. 2980. Are they hired out to the neighbouring estates?—A. Yes, they are.

Q. 2981. Now, in cases where tasks are assigned to the indentured immigrants. Suppose one has been committed to gaol for a month, and at the end of the month has not completed the task assigned to him in gaol; is it usual to retain him in gaol until he has completed it?—A. That I really know nothing of.

Q. 2982. Suppose the case of an immigrant committed for a month and detained in gaol a month and a half, would the month and half be added to the indenture?—A. I have never known a case of that sort arise; but I shall inquire into it very carefully.

Q. 2983. Did you never know that it was the practice in the district gaols to extend the period of imprisonment for unfinished tasks?—A. No; the fact is, I only know from personal observation, and the information I had from the police who have the control of these people, that they do work out their sentence by doing task-work on the neighbouring estates.

Q. 2984. Mr. Cowie—With the leave of the Commissioners, I should like to interpose a question. How long has this system of setting immigrants to task-work been adopted?—A. I think, it was introduced about two years ago. If I mistake not it was proposed by Mr. Henry Bascom in the Court of Policy, and one or two establishments of that kind were introduced as a sort of trial. I believe from what has passed in the Court of Policy—I only speak from accidental information—that it has been found a beneficial plan, and preferable to crowding them in the gaol in town—perhaps more healthy for the people and altogether better.

J. Crosby,

6th Sept. 1870.

Q. 2985. Mr. Jenkins—At the time of renewing indentures, in addition to the \$50 bounty, do you ever hear of cases in which managers pay additional bounty?—A. Oh dear me, yes; formerly it used to be very common; but it was done *sub rosa*.

Q. 2986. It is not so now?—A. Well, it is done openly now.

The President—Mr. Jenkins, this conversation is irregular; we must request you to put your questions through the Commissioners.

Mr. Jenkins—I beg pardon; I thought it was understood that the questions were put through the Commissioners. Now, with reference to section 118, absence from the roll call, —

Sir George Young—Would you have any objection to leave that to the Commissioners at present. We have not touched upon the roll-call yet, and though all these things fit into each other, yet it is convenient to take them in some sort of order. We are coming to that subject very shortly.

Q. 2987. Mr. Jenkins—Then, will the Commissioners be so good as to ask the witness with reference to certificates of industrial service, is it not a hardship for the immigrant to be obliged to carry about this certificate with him?—A. It is certainly a hardship in one sense; but when a man has lived for sometime in a district and becomes known to the police he then very frequently does not carry it about. It is a security to the immigrant against arrest.

Q. 2988. Would it be possible to throw the onus of proving that a man was not free upon the person who might take him into custody?—A. There is a difficulty in the matter. The section giving the power of arrest ought to be exercised with great caution. I introduced it into my draft after great deliberation. I have no objection to state my reason. I did not like it at all. But I felt that we had not advanced quite far enough to omit it.

Q. 2989. I understood you to say you think there is no necessity to name the contract in the immigrants' indenture?—A. I think so.

Q. 2990. Have you any reason to believe that the immigrants understand clearly the nature of the contract they enter into?—A. Yes, I think so. The contract which they enter into is



**J. Crosby.** merely to serve for five years and that they shall have the current rate of wages paid to the Creole labourers in the Colony; that is all that need be said to them, and they acquire that knowledge as soon as they get on the estate from the older people.  
**6th Sept. 1870.**

**Mr. Jenkins**—I have a vast number of questions to ask Mr. Crosby, but I do not think they will come properly within the limits of the subjects in respect to which he has been examined.

**Sir George Young**—Whenever we seem to be passing entirely from one subject to another you are always at liberty to interpose any question you like before we quit that subject.

**Q. 2991.** The President—In order to render it possible to identify indentured immigrants, they should always carry their certificates with them. Is that more of a hardship upon them, than what Mr. Jenkins is suggesting?—**A.** No; I do not think so; he has to carry his certificate of indenture with him.

The President—Mr. Jenkins suggested that it was a hardship to subject him to the necessity of carrying anything.

**Mr. Jenkins**—I asked if it would not be better to throw the onus of proof in the case of a free immigrant upon the person who charged him with being indentured.

The President—Mr. Jenkins seems to think it is hard for him to carry the certificate with him. I thought it was equally hard upon the other one.

**Mr. Crosby**—Generally speaking, it must be taken for granted, that every immigrant ought to have a certificate of some kind or other, one of the four I have described, but the certificates ought to be made of a stronger substance, so that they would not wear out with so much ease as they do; because a man if he loses his industrial certificate has to pay \$5 for a new one, and if he lose either of the others he has to pay \$2 50. That is a very large sum.

The President—We have been told that a manager seldom appears in a Magistrate's Court against a Coolie without bringing his indenture paper with him.

**Mr. Crosby**—He does not now. Under the late Act the indenture need not be proved. It is not necessary.

**Q. 2992.** The President—That has been repealed?—**A.** Oral testimony now is received by the magistrate. I must confess I

was very much opposed to that. When the Act was referred to *J. Crosby*. me for report, I objected to it. I think it was much better as it <sup>6th Sept. 1870.</sup> was before, and it was then very easy to shew that the party was under indenture.

Q. 2993. If that had not been changed you would not have had so much difficulty in identifying the Coolies?—A. Not so much. It ought to be imperative under the Act that no magistrate should take any information against any person who was not carefully described, and the employer should be bound to procure his indenture. Before he is committed to gaol it ought to be ascertained who the party is.

Q. 2994. By what section was parole evidence made receivable instead of the indenture?—A. Ordinance No. 9 of 1868, section 6:—"In the case of any complaint against any indentured immigrant for neglect or refusal to perform any five tasks per week, the quantum of work performed as a daily task of the like work under similar circumstances by indentured immigrants, or by the Creole or other indentured laborers on the same or any other plantation, or the amount of task work representing in value one shilling per task, or any greater amount according to the fair average rate of wages by the task, or the amount of such fair average wages, or any other circumstance necessary to establish or negative such charge, may be proved or disproved as the case may be by parole evidence."

Q. 2995. Sir George Young—Is it not rather under section 18, that the matter in the indenture paper may be proved by parole evidence?—A. Yes:—"On the hearing of any complaint against any immigrant alleged to be under indenture for breach of any of the provisions of the Consolidated Immigration Ordinance 1864, or of this or any Ordinance amending the same, if the immigrant does not dispute the fact of being under indenture, it shall not be necessary to produce in evidence any writing to prove that such immigrant was under indenture at the time of such breach, and it shall be sufficient to prove the same by parole evidence." In section 6, the meaning of parole evidence is, that facts may be proved by parole evidence as in any other ordinary cases, but section 18 does away with the necessity of producing documents, and says that their contents may be proved by parole evidence.

Q. 2996. The President—You said early in the day that we could ascertain the number of Chinese in the Colony very correctly from your returns?—A. Those under indenture on estates.



*J. Crosby.*

The President—You did not restrict your answer.

9th Sept. 1870

Mr. Crosby—No, I beg your pardon, I meant only those under indenture. You will see in the Immigration Department a very important document which I have been preparing for the last two years at least. The object of that is to show how every immigrant who has ever been introduced into the Colony, every Indian immigrant, what has become of him; whether he has returned and if so, in what ship; whether he is dead, and if so when he died; the remainder of course are lost in the community. It is brought up to 1854, and I think you will be very much astonished to see how very many persons are accounted for, even at a time when indentures were not necessarily entered into. I must confess I was surprised at it myself. I did it entirely in consequence of some observations that were made relative to what had become of people introduced into this Colony.

Q. 2997. Are you aware of any by-laws that the managers make for the Government of Coolies on the estates?—A. No. I have only come to the knowledge of that fact upon two estates, and from entries in the Day Book of the junior Sub-Immigration Agent; they occurred in 1867, and, strange to say, the same thing again occurred in 1869. I refer to the *Industry* Estate and the *Turkeyen* Estate, where if the parties were absent from work a single day, eight pence sterling was deducted from their wages by the manager.

Q. 2998. What was the rule?—A. If absent from work, 8d. per day was deducted. It happened in 1867, only the day before I embarked for England, and it happened the other day again at the *Industry* estate. Before I could carry out my intention with regard to a prosecution, the gentleman who was the manager left the estate and went to England. That also was the estate against which I was going to proceed in 1863, when ten or twelve Chinese who were incapable of work from the sores on their persons were discharged from the estate. That was the case in which I said it was the opinion of Chief Justice Smith that the employer and employed could sever the contract, which I thought they could not do, and that gave rise to clause 56 in Act No. 4 of 1864 to obviate the possibility of such an occurrence.

Q. 2999. Would the prosecution fail from the manager's departure?—A. Yes.

Q. 3000. Would it not be beneficial to pass a law to make and oblige the proprietor be answerable for the manager's mis-

deeds?—A. It would, I think, be a very valuable law. I think we should soon put an end to a great deal which is thought improper. I do not mean to accuse any body of men or anything of the kind. I only refer to the system; but so far as facts go, I am quite ready to state them as far as I know.

*J. Crooby.*

6th Sept. 1870.

Q. 3001. Those are the only two instances in which you know anything of by-laws?—A. They are the only two instances. I had not any communication with the one manager, only with the *Industry* estate; but I gave very strict orders to the sub-agents on the subject.

Q. 3002. Are the Coolies allowed any holidays?—A. Oh yes; they are allowed holidays in the time of their tadja, and they are only compelled to work five days in the week. The Chinese always have six days at the New Year. The department sees to that fact with regard to the Chinese, but the tadja depends on the manager of the estate.

Q. 3003. Mr. Cowie—Would the Commissioners allow me to interpose a question with regard to the fact of a prosecution failing on a change of a manager. I should like to ask whether in cases having reference not to ill-usage or ill-treatment, but to non-payment of wages, civil matters of that kind, a change of manager makes any difference, or whether it is not, in fact, a proceeding against the estate?—A. In answer to that I would state, that under the interpretation clause, you will see that the employer is described as the manager of the estate. I am not aware that the question has arisen, but I think there would be a question whether the proprietor would be liable.

Q. 3004. Mr. Cowie—It occurred to me that there might be a difference between personal proceedings against the manager and proceedings against the estate?—A. Oh! the definition is, "the word 'manager' shall mean the person for the time being having the personal charge or superintendence of any such plantation." The petty debts are always against the manager. You will see that in the draft Bill I made ample provision for it. I first of all gave an action against the manager, and in default of assets a levy could be made on the proprietor.

Q. 3005. The President—Do petty debts fail with the change of manager?—A. I think it would be very doubtful whether they did not; he is the man who hires. The question has never been

*J. Crosby.* raised, but generally speaking, the proprietor would be equally liable, because the manager is only a servant.  
 6th Sept., 1870

Q. 3006. Sir George Young—In the case of an action for petty debt against the manager, do you ever remember a case of insufficient assets?—A. Oh never. Besides, where there is one case by an immigrant against a manager there are fifty against immigrants by the managers.

Mr. Cowie—If the Commissioners think it worth while to enter into the inquiry, it would surely be found that in any civil case a change of manager does not produce any failure.

Mr. Crosby—I should like to see a case quoted under such circumstances as Mr. Cowie has described. I should like to see him quote any such case.

Sir George Young—Of carrying on a complaint after the removal of the manager, I suppose?

Mr. Crosby—Yes, and the party recovering against the attorney or proprietor under this definition.

Q. 3007. Sir George Young—Do you think there are many cases where a Coolie has been defeated of his rights in consequence of the change of manager?—A. No; I do not.

The President—Perhaps you will put us in the way of finding some case, Mr. Cowie?

Mr. Cowie—Yes; I will do so.

Mr. Crosby—The immigrant takes his action independently of the Immigration Department. The Immigration Department knows nothing of his claims against his employer, which I think is a very great defect.

Q. 3008. Mr. Mitchell—Do you know why that section was left out of your Bill, with regard to the summary manner of recovering wages?—A. No; I cannot exactly tell who struck it out. There were forty sections struck out at one swoop, and fourteen at another.

Q. 3009. Why did you propose it?—A. Because I thought it would be exceedingly beneficial to have one Act referring to the Immigrant population, so that if the employer had a remedy against the servant, the servant should have a remedy under the same

Act against the employer, not to be driven under another Act into the Petty Debt Court. J. Crosby.  
6th Sept. 1870

Sir George Young—Is there no power in a Magistrate, if it appear in the course of proceedings under the Immigration Ordinances that wages are properly due, to make a summary order for payment?—A. No ; I do not think there is. There was under No. 7 of 1854, but I do not think there is now. I provided for it otherwise in the draft bill, but that portion including the provisions of No. 7 of 1854, was not brought in. You will find one or two small sections in No. 7, of 1854, which enable the Magistrates to exercise that power.

Q. 3010. The President—With regard to holidays, you said they were allowed holidays at the time of the tadja, and the Chinese have six clear days?—A. Yes. I don't think it is actually specified in their agreements made in China, but there is a regulation of the department to say they are entitled to it.

Q. 3011. What length of holiday is allowed for the tadja?—A. None.

Q. 3012. Is there no Ordinance?—A. There is an Ordinance regulating the tadja lately passed, but I do not think it touches that matter. I do not think there is any regulation as to a fixed period in regard to holidays. I think they generally have sufficient relaxation at that time of the year. The Tadja Ordinance, I think, is No. 16 of 1869.

Q. 3013. How many days holidays are allowed?

Mr. Crosby—To the Indians?

The President—Yes.

Mr. Crosby—That depends entirely on the good feeling existing between the managers and themselves. I never knew of any fixed days.

Q. 3014. Do all the Coolies, both Hindoo and Mahommedans, join in this holiday?—A. No ; I do not think the Mahommedans do. I think it is only the Hindoos.

Q. 3015. It is a procession with a large temple they carry about, is it not?—A. Yes, elevated, and they throw it into the river as if it were the *Ganges*, or something of that sort, and the moment it is thrown in, I believe, the whole festivity is at an end.

*J. Crook.* Q. 3016. Are you quite certain it is not only the Mahomedans and not the Hindoos who take part in the festival?—A. It may be so. You are more versed in Indian matters than I am. I think from the affrays that sometimes take place they must be Mahomedans.

6th Sept. 1870.

Q. 3017. Sir George Young—My last question was, whether Magistrates had power to make a summary order upon any case coming before them; I think the section you alluded to in Act No. 7, of 1854, was the 29th, was it not?—A. Yes. That has reference, I am inclined to think, to immigrants not under indenture. These are substituted clauses for sections 2 and 14 in the Act No. 2 of 1853. I think you will find that sections 25, 26, 27, and 29, are the substituted clauses.

Q. 3018. There is nothing confining the word "immigrant" there to unindentured immigrants?—A. But still it could not be carried out, because it would authorize a severance of contract of service for five years. All these sections refer to unindentured immigrants. Section 27: "If an immigrant refuses to perform any verbal or unwritten contract;" so also with sections 25 and 26. I think if you turn to section 25, you will find words there substituting that legislation for so much of Act No. 2, of 1853, as is repealed.

Q. 3019. Would you apply that to section 28 also?—You observe that is interposed between these sections and the one of which I am speaking. Would you say that the protection against ill-usage was given only to the unindentured immigrant?—A. It is a most extraordinary thing; that never occurred to me before, although I have read and acted on it so often; though even here the word "immigrant" may be understood possibly to have the limited sense of unindentured immigrant, because the legislation here is for persons simply under verbal or unwritten contracts.

Q. 3020. Is there any other clause in the Act you were alluding to which enables magistrates to make a summary order for payment of wages claimed and proved to be due?—A. I think there is one clause in this whole Act, but I rather think it has only reference to unindentured laborers; it is section 35. No; that is with regard to abatements. I do not think there is any such section.

Q. 3021. You do not think the Magistrates ever had summary power to make an order of that description?—A. No; I do not.

Q. 3022. Do you think the expression, "such wages shall be paid weekly," would give them that power? J. Crosby

6th Sept., 1870

Mr. Crosby—That is in section 103 of Act 4 of 1864.

Sir George Young—Yes.

Mr. Crosby—That has reference to the wages earned, where there are no unindentured laborers working on the same plantation.

Q. 3023. Then you do not think a magistrate could draw power from that to make an order as to the payment of wages? —A. No; I do not think he could have any power under this clause. The immigrant is obliged to resort to the Petty Debt Act.

Q. 3024. Now I will put the case that an immigrant has received wages and complains that those wages are not equal to the average rate of wages for unindentured laborers employed under similar circumstances on the neighbouring plantations. Has he any standing under the Petty Debt Act to recover?—A. There certainly would be, perhaps, a little difficulty; he would claim to be entitled to recover the wages paid to some other person. If he could establish that fact, I think he could recover under the Petty Debt Act, but it would be very difficult for him to do that, an immigrant just arrived perhaps.

Q. 3025. Could it be called a debt at all in that case?—A. He would have to go upon the *quantum valeat*, I suppose, for the value of his services.

Q. 3026. The President—Might it not be brought as the balance of his debt?—A. No, I never think he could, there is a difficulty about it; I never knew it particularized. The only way in which you could deal with it, would be to go upon the estate and make an inquiry.

Q. 3027. But in the meantime with regard to the court. When immigrants sue for wages, how do they put their cases generally? —A. I really do not know. I have never seen any proceedings. It has never been referred to me, and I have never even seen a case of that sort in the Review Court.

Q. 3028. Do you know whether there are many cases of suits under the Petty Debt Ordinance?—A. No, we have no returns and no knowledge of the subject. It is a defect in the system.



*J. Crosby.*  
6th Sept. 1870

Q. 3029. And you have no knowledge as to the working of the Act?—No; I have not practically. I have no knowledge of the working of it.

Q. 3030. If from any cause that Act is inoperative to help a Coolie to his wages, has he any legal remedy?—A. Not before a Magistrate that I am aware of. He has no summary mode of proceeding that I am aware of.

Q. 3031. Do many cases of withholding of wages due, many complaints, come before you?—A. There have been a great many since 1864.

Q. 3032. You have never referred the complaints to their legal remedy?—A. There was a case, I recollect it just at this moment, at *Waterloo*, where I believe a Sub-Agent did take proceedings to recover wages by my direction; that is the only case I can call to my recollection.

Q. 3033. Will you specify that case as far as you can remember it?—A. The proprietor of the estate, I think, offered —

Q. 3034. In the first place what was the estate?—A. *Waterloo*.

Q. 3035. And the date?—A. It was about nine months ago. I think it was early this year. Each of the Sub-Agents was sent down; first one, then the other to complete it. The immigrants performed a certain piece of work, if I recollect correctly, and they were offered to be paid, or were paid a sum of money which they thought insufficient. The Sub-Agents took proceedings and recovered the amount to which they were entitled, according to evidence given by two managers of neighbouring estates.

Q. 3036. Two managers were called upon by the Sub-Agent?—A. Yes; to estimate the value of the work, and some other persons, I think.

Q. 3037. The Sub-Agent was able to satisfy himself that there was a claim?—A. Oh yes; they first of all made a very careful inquiry. They then took out summonses and went down and conducted the case, and succeeded.

Q. 3038 That case is wholly unprecedented?—A. It is the only case I can recollect.

Q. 3039. Mr. Jenkins—Will you ask the witness if he remembers the case of *Met-en-Meerzorg*?—A. I do not recollect it.

Mr. Jenkins—I may be misinformed, but I am told there were proceedings.

J. Crosby  
6th Sept. 1878

Mr. Crosby—I do not recollect it; but there were a great number of cases then, years ago.

Q. 3040. Sir George Young—Cases of complaint?—A. Yes; a great many.

Q. 3041. Mr. Jenkins—Do you recollect the case of plantation *Leonora* in July of last year?—A. Oh yes; that was a question of wages.

Q. 3042. A question of the lowness of wages?—A. Yes.

Q. 3043. Do you remember the circumstance of that inquiry?—A. Yes; the papers were referred to me. First of all the parties brought a complaint, and the complaint was to be heard the next day. It was practically impossible for me to go or to send anybody.

Mr. Cowie—Would the Commissioners mind asking the exact nature of the complaint?

Sir George Young—We shall have it, I suppose among the papers relating to complaints which have been furnished us.

Mr. Crosby—The documents are in the Immigration Office. They were only returned to me about two months ago.

Q. 3044. Sir George Young—There was a complaint about wages?—A. About the lowness of wages. It was to be heard by Mr. Dampier, the magistrate, but I did not go to hear the case.

Q. 3045. In what way was it to be heard by Mr. Dampier?—A. A case of wages.

Q. 3046. Under the Petty Debt Ordinance?—A. It must have been. No. The proceeding was on the part of the manager of the estate against them for non-performance of work. They complained of insufficient wages being offered to them for certain work, and refused to take the wages that were offered. It was a question that arose under No. 9 of 1868, section 11. The papers are all in the Immigration Department. You will see my notes upon the petitions. You will see my minute which was sent in to the Governor, and you will see also the draft opinion of the late Attorney-General. It was not signed, but you will see it amongst the papers.

*J. Crosby.* Q. 3047. What was the result of the hearing before Mr. Dampier?—A. That he dismissed the case.

Q. 3048. And thereupon this inquiry was held?—A. The papers were sent to me, the proceedings before Mr. Dampier and his decision; and I wrote a very long minute upon it.

Q. 3049. And that was followed by proceedings at law?—A. No; that was the proceedings at law—the case was dismissed.

Q. 3050. What was the result of your inquiry?—A. When the papers were sent in, I regret to say, I was of a very different opinion from Mr. Dampier as to the decision he had come to, and the Attorney-General was of the same opinion.

Q. 3051. Mr. Dampier's decision was against the manager?—A. No; it was in favor of the manager.

Mr. Cowie—I believe Mr. Crosby is altogether mistaken as to the character of the case which was brought.

Mr. Crosby—No; Mr. Dampier ordered him to pay 4s. I think they demanded 6s.; but I have never seen the papers since, and it is impossible I can recollect. I think they demanded 6s., and the Magistrate gave them 4s. It was entirely upon the construction of this clause No. 11, of Ordinance 9, of 1868.

The President—A return has been sent in to us, in the first place asked for by Mr. Cowie, of all complaints by immigrants that were followed by proceedings at law, and that were not so followed—where they merely resulted in inquiry. This particular case is entered in the schedule as followed by proceedings at law taken by yourself.

Mr. Crosby—With respect to *Leonora*?

The President—Yes, last July.

Mr. Crosby—There were no proceedings taken by me.

The President—I merely wished to ask whether the schedule was correct.

Mr. Crosby—I must get the papers. I was under a wrong impression. I now think that the parties complained merely of the amount of wages and that created discontent. You will see in the margin opposite each paragraph my opinion with regard to the statement made and the opinion I had drawn

up for the opinion of the Governor. That was laid before the late J. Crosby Attorney-General, and was only sent back to me about two 6th Sept. 1878. months ago. I sent them to the office.

Q. 3052. Is it your opinion that practically the immigrants have only the Immigration Ordinance to look to where they complain of the lowness of wages?—A. The proper mode of procedure is before the Magistrates, unless there is some very good reason for coming to the Immigration Department; the proceeding ought to be before the Magistrate.

Q. 3053. Under the Petty Debt Ordinance?—A. Yes; that is their only remedy. I should like, if you will be kind enough to send for these papers, to correct anything I have said about them.

Sir George Young—You may correct it afterwards before the evidence is printed. You understand the only point I was inquiring about is the proceedings at law which I find is a mistake in the schedule.

Mr. Crosby—Yes; I took no proceedings, nor did I direct any to be taken.

Mr. Cowie—Perhaps the Commissioners would kindly ask what was done. I think there was—perhaps I ought not to call it a proceeding—but there was some action taken, to obtain the depositions taken in the case from the Magistrate.

Mr. Crosby—Yes; I sent for the depositions in consequence of the Governor's directions, because it was impossible for me to give any opinion unless I saw the depositions. I think the Governor was anxious to ascertain what the decision was and what proceedings had been taken. I should have attended before the Magistrate or have sent one of the Sub-Agents, but I could not do so. It was very erroneously supposed that I control in some measure the proceedings of the Magistrate.

Q. 3054. Sir George Young—Do you know whether any steps were taken by the Governor in consequence of the inquiry by yourself?—A. There was no step taken, except when the disturbance took place on the estate.

Q. 3055. Were any steps taken in consequence of this inquiry and the report in which you differed from Mr. Dampier?—A. No; I do not think there were. And for this reason: I gave the Governor my view in a lengthy minute, and the papers were then, I believe, laid before the late Attorney-General; and

~~Mr. Crosby~~ ~~Mr. Crosby~~ I believe they remained there, and were found among his papers after he had left the Colony. They were returned to me, with an opinion upon the case written by the late Attorney General, but unsigned. The circumstances of the case were, of course, of vast importance.

Mr. Cowie—Would the Commissioners mind asking Mr. Crosby if he had had any communication with the immigrants with reference to this claim, after the magistrates's decision?

Mr. Crosby—No; they came to me in the first place, and gave in their complaint; and I think, if I mistake not, I wrote to the magistrate and asked when it was to be heard.

Mr. Cowie—I meant whether by way of answer to their petition or otherwise, Mr. Crosby made any statement or communication to them with reference to the claim.

Mr. Crosby—No; none whatever. I do not think I saw one of them afterwards; not one of them. Do you mean I gave them my opinion on the proceedings?

Mr. Cowie—I do not mean that at all.

Mr. Crosby—I do not think I had any communication whatever with them.

Q. 3056 Sir George Young—After they deposited their complaint?—A. No. On my return from *Leonora* on the Friday I was excessively ill. I took to my bed and for forty-eight hours I was almost delirious.

Q. 3057. We shall probably obtain this from the Sub-Agents, but do you know whether any ordinary visit of a Sub-Agent was paid to the plantation between the complaint of which we are speaking and the riot in October.

Mr. Crosby—The riot was in August, I think.

Sir George Young—I thought you said "in the autumn."

Mr. Crosby—No; I said "August," probably.

Q. 3058. Sir George Young—Do you know whether there was any ordinary visit of a Sub-Agent between those dates?—A. No; I do not. He will be able to state that with greater precision than I can. I forget exactly the day on which the hearing was to take place before Mr. Dampier, but if I mistake not it was

eight or ten days after the riot. No; the riot commenced eight or ten days after the decision, I think.

J. Crosby.  
24 Sept. 1829.

Mr. Cowie—Perhaps the Commission will be kind enough to put one or two questions, which may refresh Mr. Crosby's memory. Whether he does not remember the Coolies coming to him with reference to this subject of complaint when he was on a special visit down the West Coast?

Mr. Crosby—Oh! yes; I recollect the people coming to me just as I was going away from *Tuschen-de-Vrienden*, and they said they wanted to make some complaint.

Q. 3059. Sir George Young—Was this before the decision?  
—A. I think it was before the proceeding before Mr. Dampier. I was in the act of going away to the next estate. I had gone down, in consequence of Mr. Gallagher having to go to *Perseverance* to hold an inquiry there. In order that the half-yearly visit might go on with regularity, I went myself for a Monday and Tuesday to the extreme end of the West Coast; and as I was leaving walking down the steps at *Tuschen de Vrienden*, these people came from *Leonora*. I told them I could not attend to them at that time; but that Mr. Gallagher would be on the estate on Wednesday or Thursday, and that he would attend to any complaint they had to make. I had only to visit one other estate and was obliged to go to town that very night. They went away very peaceably, and I had no reason to suppose anything was likely to arise.

Q. 3060. Did Mr. Gallagher pay that visit?—A. Oh! yes; at the regular time. This was just before the outbreak. How many days before the outbreak, I cannot tell; but I think only a day or two. I think that must have been on Tuesday the 2nd or 3rd of August.

Mr. Cowie—Will the Commissioner kindly ask Mr. Crosby to try to remember whether the complaint which the Coolies made to him at *Tuschen de Vrienden* was not after the magistrate's decision—some time after the magistrate's decision?

Mr. Crosby—That I cannot tell. I did not take very much notice of the complaint, because I had to return immediately to town. I saw no immediate necessity for my going to the *Leonora* estate; if I had gone the people would not be so soon there as I should have been, if I had driven direct from *Tuschen de Vrienden*, and I did not think it at all necessary. I think that must have been after the decision of the

**J. Crosby.** magistrate. Yes, on reflection it must have been, because it was ~~on~~ <sup>on</sup> the 6th or 7th that we went down to *Leonora* in consequence of the disturbance. Yes, the hearing must have been eight or ten days before what may be considered the outbreak.

**Q. 3061.** The President—How many days after the Coolies came to you did the outbreak occur?—**A.** I think, if I recollect aright, it was on the Thursday night we went down, and this happened on the Tuesday. I think, Tuesday must have been on the 3rd and the outbreak must have been on the 5th, Thursday. We went down at midnight and returned on the Friday.

**Q. 3062.** The outbreak occurred when?—**A.** On Thursday the 5th, I think, and at midnight several gentlemen went down to the *Leonora* estate in consequence of a communication that was made.

**Q. 3063.** Did you accompany them?—**A.** I did. The Attorney General, the Government Secretary, Colonel Herbert and myself. I had just taken an early dinner when the Attorney General sent to say he would be very glad if I would meet him at his house, as he wished particularly to see me. I had been unwell during the day, but I went, and on being informed what had taken place, I immediately offered to go down with my two interpreters, without a policeman or anything else; and I would have gone.

**Q. 3064.** When did you go?—**A.** I went down with these three other gentlemen at 12 o'clock, and we got to *Leonora*, I should say, about two o'clock in the morning. At daylight, unaccompanied by anybody, I walked through the houses.

**Q. 3065.** Was any disturbance going on when you arrived?—**A.** None whatever; it had ceased then. There were great numbers of gentlemen collected together in the house on the *Leonors* estate.

**Q. 3066.** Sir George Young—Was this return which was handed to us made out under your direction in the office—this schedule of complaints and prosecutions?—**A.** Oh! no. I know nothing of that. It has been done since I have been there. Will you allow me to look at it?

The document was then handed to the witness.

**Mr. Crosby**—I never took any proceedings at law in the *Leonora* case.

**Q. 3067.** Sir George Young—What do these dates represent, 12th and 21st, July?—**A.** This was the date of the petition, the 12th July.

Q. 3068. On the 12th you received the petition?—A. I think <sup>J. T. Crosby,</sup> so from what appears here. I do not know whether it was on the <sup>6th Sept. 1869.</sup> 12th or the 21st but it will be easily seen from the date of the petition. I see it was received on Tuesday, 13th July, at 11-30, a.m.

Q. 3069. What action did you take on the receipt of that petition?—A: I took action in the matter by writing to Mr. Dampier on Thursday 15th July. I wrote to him and informed him of this visit.

Q. 3070. Is this the petition to which you refer?—A. It is not the one to which I particularly referred. It is the latter one. You will see the manner in which every petition that came before me was dealt with. I sent the papers with a minute to the Governor as you will observe. They were returned to me on the 14th of July. Here is the first petition, on which the Governor wrote, "See minute on statement," referring to another document. This is the statement which is referred to, and there is no doubt received also on the same day. Here is another petition and upon that I also wrote a minute. "This memorial appears to contain matter of much importance. These immigrants do not appear to have been fairly dealt with in this matter," &c. &c.—"J. CROSBY, I. A. G.—Tuesday, 13th July, 1869." On this the Governor seems to have written no minute. There is another minute of mine here, and it is on the paper to which the Governor referred; it is dated the 13th, and is written upon the "Statement," which is in Mr. Gallagher's hand-writing. The "Statement" was that of two coolies who were sent to the office by Mr. Dampier. On that I write: "This puts the case more clearly than either the Stipendiary Magistrate or the immigrants. If the manager had acted in the manner herein described, he will deserve being somewhat severely dealt with," &c. &c.—"J. CROSBY, I. A. G.—13th July, 1869." Under the same date the Governor answered the two, and this is his minute: "Write for a copy of the proceedings.—J. SCOTT.—14th July, 1869." These are my confidential communications, but I have no objection to their coming out.

Q. 3071. Who is the manager referred to?—A. Mr. Manson. He was deputy manager. Mr. Russell is manager of *Leonora*. You must understand that when gentlemen are attorneys for estates, and as I believe Mr. Russell is, *de facto*, manager, there is also a deputy-manager. That is a common thing, and he takes all the authority of the manager in his absence. Thus it is that where a complaint is made to one manager, the complaint is



~~J. Crosby~~ referred to the other, as in this case. I am only speaking of  
6th Sept. 1870. facts as they have been represented to me.

Q. 3072. Sir George Young—Is that division of responsibility between manager and deputy manager recognised by the law?  
—A. No, the definition is clear as to who the manager is, but a great deal of inconvenience has arisen from the arrangement. I am only expressing my opinion. I have a right to express it, and I shall express it, without fear of any man. The deputy manager is only a senior overseer, and how can he be invested with the responsibilities of the manager? The manager is the responsible person.

Q. 3073. Sir George Young—To come back to the inquiry; what is the meaning of the report received on Wednesday the 21st July, the minute on which is dated the 29th? What is this document?—A. The document from Mr. Dampier reporting the evidence which he had taken in this case. Mr. Dampier writes: "The Coolies fully understood they were to return and overhaul the work, and then they could receive the balance of their wages." On that ground he seems to have decided the case; but I am sorry to say that any gentleman who compares these documents will find it impossible to say what conclusion could properly be arrived at from the notes. If the Commissioners will allow me I will read my minute on the evidence.

The President—Thank you. We will not trouble you to read it now, but will do so ourselves.

Mr. Crosby—Here is the opinion of the Attorney General written in his handwriting, but not signed. It is rather a remarkable fact that while I take one view of the matter, and the Attorney General another, somewhat different, we have arrived at the same conclusion.

Q. 3074. Sir George Young—What is the date at which these papers were returned to you?—A. Quite lately; they were found accidentally among the papers of the late Attorney General.

Q. 3075. And the papers came back to you about what time?  
—A. About two months ago. Mr. William Smith, who was then acting as Attorney General, sent me the papers.

Mr. W. F. H. Smith—Perhaps I may be allowed to observe that I may have sent Mr. Crosby papers I had no business to send. I have not seen the paper to which he refers as the opinion of

the Attorney General on the case, and which he says is in my brother's hand-writing, but if it is not signed, probably I ought not to have sent it. J. Crosby.  
6th Sept., 1870.

Sir George Young—A mere draft of an opinion unsigned, as this is, must pass for what it is worth; we have no knowledge that it is the Attorney-General's opinion, and in fact it is not an opinion, properly speaking, at all.

Mr. Crosby—Except that it is in his handwriting, I only wish to state how it is that I became possessed of it. It might appear extraordinary that I should be possessed of it. I believe the papers had been lying on the Attorney-General's table for some time.

Mr. W. H. F. Smith—It must have been my mistake in returning the papers which were lying on my brother's table.

Mr. Crosby—Although the opinion may not be called the Attorney-General's, because it is not signed, it is a very valuable document, and I am quite sure although it may not be taken as his final opinion what he has said deserves great consideration nevertheless.

Sir George Young—It is nothing but a paper which comes to us from the Immigration Office, among other information.

The Commission then, at half-past one, adjourned for half an hour.

The Commission resumed at 2 o'clock.

Q. 3076. Sir George Young—Looking at these papers a difficulty arises as to which I can get no information from them, that is as to the time the Coolies saw yourself at *Tuschen de Vrienden*; you said that was before the Dampier proceedings?—A. No; it must be after the proceedings with Mr. Dampier. Mr. Dampier's proceedings took place evidently between the 12th and 21st July. I may make this observation because it was alleged absurdly —

Q. 3077. Are you aware whether any acts of violence preceded the application to you?—A. None that I am aware of.

Q. 3078. Can you discover what the date of that application to you was?—A. Oh! yes; it is dated the 12th.

J. Crosby.  
6th Sept. 1870

Q. 3079. I mean the personal application to yourself at *Tuschen de Vrienden*?—A. That must have been Tuesday, the 3rd of August, about half-past two o'clock in the day.

Q. 3080. I asked whether you were aware of any act of violence that had preceded that application?—A. No. I had been occupied at *Tuschen de Vrienden* from about seven o'clock in the morning till half past-two.

Q. 3081. You did not know that the manager had been assaulted when the Coolies came there?—A. No; I never knew of that occurrence until I went on the estate.

Q. 3082. Do you know now that such was the case?—A. Oh! dear me no, certainly not.

Q. 3083. Then it was not the fact?—A. Not that I know of.

Q. 3084. But was it the fact?—A. I cannot speak at all of my own knowledge, I understand he was beaten, but on what day or under what circumstances I really cannot tell you. That was inquired into before the magistrate on the charges against these parties. You must recollect that when I came back on the Friday I was ill and I was incapable of attending to any duty for about three weeks; indeed on the Friday night and for twenty-four hours or more I was not expected to live, I believe.

Q. 3085. The President—From Friday the 6th?—A. I think so. I was taken ill and was attended by Dr. Manget and Dr. Scott, and was laid up for three weeks; for three or four or five days my life was in a very precarious state, and had it not been for the kindness of Mr. Wm. Austin, who sat up with me, and the great attention of the two doctors, I should not be alive now.

A. 3086. Sir George Young—There were criminal proceedings afterwards against the Coolies, I believe?—A. I had nothing whatever to do with them.

Q. 3087. Was the Immigration Office not represented?—A. I do not think so.

Q. 3088. Was the case not watched?—A. I think not. It is not usual where proceedings are taken under the ordinary criminal laws, but I had no connection with the office during my illness. The Governor was kind enough to give very strict injunc-

tions that I should not be disturbed, and he sent two or three times a day to inquire after me.

*J. Crosby.*

*6th Sept. 1870.*

Q. 3089. It ended in the condemnation of two or three of these persons to penal service, did it not?—A. I believe so. I may say it has been erroneously supposed that the Immigration Agent General interfered with the decision of the magistrates; he never does, never. I never assume to do anything of the kind. When the evidence came before me I commented on it, in the way I have already described, in a way which was by no means satisfactory to myself.

Q. 3090. I suppose the original complaint brought to the Immigration Office was not proceeded upon after the riot took place, but that was regarded as wiping everything out?—A. I think not. If I had been able to have attended, I should have most likely told the immigrants to apply to the Court of Review, and I should have urged upon the Government most probably the desirableness of some action being taken to raise the question upon No. 9 of 1868, section 11, because it was attempted to be proved everything was done in pursuance of that section, but it did not appear to me that what the section required to be done was done, and that consequently the magistrate's decision was erroneous; but that is only my opinion. I do not mean to say it has any force or validity or anything else. I am only stating what I reported to the Governor, and what is my opinion. I may say also that on that very day, the Friday, I should like to state (if the Commissioners will allow me to do so) that I was requested after the Government Secretary and Colonel Herbert had left—they requested that I would investigate any complaints the people had, and after they had left I had a table placed under the house of Mr. Russell, I had all the people sent for, and asked if they had any complaints to make. Three men came forward, but were unable to specify satisfactorily any complaint whatever, and the overseers on the estate assured me faithfully that that clause was carried out, but whether it was so carried out or not, was not proved to be carried out by Mr. Dampier on that occasion, but you will see the evidence and judge for yourselves, and being legal men you will form a much better opinion than I can.

Q. 3091. Your opinion in so far as it differs from Mr. Dampier's differs simply on the legal point?—A. Simply on the legal point.

Q. 3092. You never came to any conclusion as to the rights

*J. Crosby.* of the case?—A. No, except that I think on the face of it the  
 6th Sept. 1879 prosecutions on the part of the deputy manager ought to be dismissed.

Q. 3093. On the legal ground?—A. On the legal ground, because I think section No. 11 was not complied with, that is as far as the evidence goes. It might have been complied with on the estate, but I will submit from that evidence, to any legal man whomsoever——

Sir George Young—I gather from the papers that it was a proceeding under the Petty Debt Ordinance.

Mr. Crosby—No; it was a proceeding under the Immigration Ordinance.

Mr. Cowie—The letter that Mr. Crosby has read shews that the manager was the defendant in the case.

Mr. Crosby (after referring to the papers.)—Yes; he was defendant. I have forgotten the case; in fact, I think the magistrate decided they were to have 4s. instead of 6s.; but I have not read the evidence since it occurred.

Q. 3094. The President—Well, we have the evidence. What is the time for appealing to the Court of Review?—A. Oh! within 10 days, I think.

Q. 3095. Are the immigrants who were sentenced to penal servitude still undergoing their sentence?—A. I believe so. I do not know whether the information lodged by the immigrants appear in these papers, I really forget.

Q. 3096. You say you would have encouraged them to appeal to the Court of Review. Have you taken any steps to get their sentence mitigated?—A. None whatever. It has been referred to the Court above, and the Criminal Court would exercise judgment according to the evidence.

Q. 3097. You have not applied to the Executive?—A. No, I have taken no action whatever on that ground, because whatever may have taken place before the Magistrate it would not justify any act of violence.

Q. 3098. But you would have let them escape by an appeal to the Court of Review?—A. I would have appealed had they been defendants instead of plaintiffs as I thought they were;

therefore, the defence of Mr. Manson must have been that they did not perform their work properly.

*J. Crosby.*  
5th Sept. 1879.

Q. 3099. Then you would not then now have recommended them to appeal to the Court of Review?—A. I do not really recollect sufficient of the evidence, for I have not seen it since.

Q. 3100. Sir George Young—In order to arrive in proper order at these important sections which deal with wages, we will take first, clause 115. There was some explanation of the circumstances under which that was passed, which you said you were ready to give us?—A. I must do that at considerable length. The better way would be to send up the papers which I wrote as confidential opinions to Sir Francis Hincks on the subject; You will see from that exactly my view. I cannot recollect it in detail this moment.

Mr. Cowie—As my time in the Colony is limited perhaps I shall not have an opportunity of seeing these papers, may I therefore ask whether Mr. Crosby cannot give us his views on the subject in a short statement?

Sir George Young—The question now asked is as to the circumstances of the passing of this clause. If Mr. Crosby can do it we shall be much obliged to him.

Mr. Crosby—It is rather a difficult subject to deal with in this impromptu way, because the bill drawn by me was altered without my knowledge. These copies were only given to me just before I went to England and I never read them till my return passage; then it was I discovered that the whole of this part of the bill had been altered and that these had been substituted for the clauses I had drawn. I recollect that first of all the clause was altered down to the word Colony, and after that in some mode or other, I forget how exactly, the Act went through several editions and then the proviso was added, but there is no penalty whatever for the non-performance of five days' labor or five tasks.

Q. 3101. No penalty attached to the non-performance of five days' labor or five tasks?—A. None whatever. I considered clause 115 quite independent of 116, and therefore it was entirely defective, inasmuch as a party could not be punished for the non-performance of five days' labor or five tasks. The difficulty first

*J. Crosby.* arose in the prosecution of a woman *enciente*. Then came a case which was carried to the Court of Review.  
6th Sept., 1870

Q. 3102. Was that *Field v. Sohun*?—A. That was one, and there were two others, on which I was also called on to report.

Mr. Cowie—I should like Mr. Crosby to be asked what his reasons are for saying that section 115 is not connected with section 116. It seems to me they are connected in the closest manner.

Mr. Crosby—I do not see that they are.

Q. 3103. Sir George Young—You say that there being no penalty in 115 and the penalty in 116 not applying to it, clause 115 is entirely inoperative?—A. I think so. The word penal has no reference whatever to five tasks or five days' labor.

Q. 3104. If these two clauses are severed, is there any limit to the amount of work that can be demanded from an immigrant? Under section 116 "any immigrant who shall neglect or refuse to begin the work required of him, or shall leave unfinished any work required to be performed by him, or shall neglect or refuse to finish any work that may be required to be performed by him" is liable to a penalty; but there is no limit to the work that is required in that clause?—A. No, there does not appear to be, but they appear to me to be independent one of the other.

Mr. Cowie—Does Mr. Crosby think that under section 116 that if a laborer were charged with refusing or neglecting to perform seven days' work he could be convicted?—A. I do not think he could. I think it was provided for in the previous section.

Sir George Young—You think he could be charged with neglecting any work, but not with neglecting to perform seven days' work?—A. There is an offence created, but there is no punishment for it; it says he shall perform five days' work or five tasks.

Q. 3105. But under the 116th section he can be charged with neglecting to perform *any* work. Supposing he is charged with neglecting to perform five days' work, do you think there would be no conviction?—A. I think not.

Q. 3106. The President—The 116th section speaking of "the work required of him," if the complaint was that on Saturday he refused to finish his work and the man pleaded that he had

worked on Monday, Tuesday, Wednesday, Thursday and Friday, *J. Greely.*  
 would he not be convicted on the 116th section for refusing to <sup>6th Sept. 1870.</sup>  
 perform any work?—A. He probably might. That would come  
 within “any work to be performed by him.”

Q. 3107. Sir George Young—Then, section 115 being inoperative, the purport of the Act was to leave the amount or work to be performed by the immigrant entirely at the discretion of the manager?—A. I think it was an oversight in not making the non-performance of five days' work punishable.

Q. 3108. Do you think there was no limit intended to be provided in this Act—no maximum?—A. I should say five days' labour or five tasks is the maximum. If a party performs that labour I should say he is not subject to any penalty.

Q. 3109. Supposing he was charged under section 116 with refusal to perform any work, do you think he could plead that he had already done five days' work?—A. I think he could plead that, and that if he proved he had done five days' work he would be exonerated from further work. It is a positive injunction.

Q. 3110. But there was no means of enforcing it?—A. No. But on the other hand the immigrant can plead it in answer to a charge. It is rather difficult to say whether he could not plead it under this section; whether it would be a good plea.

Q. 3111. Leaving the question of the interpretations of the Act, do you know how it was interpreted as a matter of fact?—A. I believe it was interpreted when it came before Mr. Beaumont, that the two clauses were to be read together, but the question was not fairly raised.

Q. 3112. Do you know if that determination of his was regarded as upsetting the previous practice?—A. Yes it did, it had that effect.

Q. 3113. Do you remember if the previous practice or Mr. Beaumont's judgment was most in accordance with your own opinion?—A. I thought this clause stood alone.

Q. 3114. Do you think Mr. Beaumont's decision or the previous practice which it upset was most in accordance with your own judgment?—A. I think Mr. Beaumont's decision was most in accordance with it, because there was a penalty accustomed to be enforced for the non-performance of five days' labor or five tasks.



*J. Crosby.*

6th Sept. 1870

Q. 3115. Mr. Cowie—Will you ask Mr. Crosby whether previously to this decision in practice any attempt had been made to exact more days' labor than five or more than five tasks?—A. No, I believe not; I believe that has been the established rule for 20 or 25 years.

Sir George Young—No such attempt ever came before you?—A. No. I believe if a party perform five days' work or five days' task it was sufficient, but it was very difficult to define what five days' work or five days' task should be. These words "*any work*" on which you have now laid steps, attract my attention more strongly than ever before.

Q. 3116. Mr. Beaumont's decision on that matter was the cause of further legislation?—A. I believe it was; it gave rise to the subsequent Act 13 of 1866.

Q. 3117. No. 9 of 1868, was it not?—Yes, I believe it was No. 9 of 1868.

Mr. Cowie—Would you allow me to interpose this question, now we have got to the alteration under Ordinance 9 of 1868 of a day's work, whether previous to that Ordinance the task or day's work which was meant in the Act of 1864, was, as I understand the practice of twenty or twenty-five years had been to consider its work worth a guilder?—A. I believe it was. There was custom in existence, because it was not provided in the Ordinance. The task was generally estimated at a guilder.

Q. 3118. Sir George Young—And that was considered a fair day's work?—A. Yes; it was a sort of custom that was established. There was nothing about five days' work in Ordinance No. 7 of 1854, to make it imperative to work for five days or do five tasks.

Q. 3119. Are both these ways of estimating work common now? Both task work and work by the day?—A. I do not know.

Q. 3120. Is the work on estates mostly task work?—A. It is almost entirely, I believe, and now the task is estimated at a shilling, five tasks at a shilling per day.

Q. 3121. Has that been increasingly the case? Has task work gradually superseded work by the day?—A. It has been almost entirely task-work since I have been in the Colony, not daily

labour. The case never came fairly before the court; it never was fairly decided.

*J. Crosby.*

6th Sept. 1870

Q. 3122. What case?—A. As to the necessity of five days' labour or five days' task.

Q. 3123. Under section 115?—A. Yes; but I recollect in Mr. Beaumont's decision he considered, nevertheless, that the two clauses were to be considered together.

Q. 3124. He considered they were connected together?—A. Yes, he did.

Q. 3125. Mr. Jenkins—Will the Commission ask the name of that case?—A. It is the case quoted just now, Field v. Sohan and two other persons v. Menzies.

Q. 3126. Sir George Young—The task is now fixed at a shilling's worth of work?—A. Yes, I think so. Under the last Act I think it is.

Q. 3127. Mr. Cowie—Under section 5?—A. Yes, "It shall be sufficient in order to obtain a conviction to prove that such immigrant neglected or refused to perform during such week 5 tasks, each representing in value the sum of one shilling, or any smaller number of tasks representing in the whole in value the sum of five shillings." I have never seen any proceeding under section 115 save and except those to which we have referred.

Q. 3128. Mr. Cowie—Would the Commission mind asking Mr. Crosby if he knows any reason why in this Ordinance of 1868 a shilling was fixed instead of a guilder?—A. No, I really do not know, I have no knowledge on that point.

Q. 3129. Mr. Mitchell—What is the time usually taken to perform one of those tasks of a shilling?—A. I cannot very confidently answer that question. Sometime it is, I believe, done in four hours, sometimes in five, sometimes in six. A great deal must depend on the state of the soil, and the physique of the individual. There are various circumstances to be brought into account. It is rather defined here by section 115:—"In the case of any complaint against any immigrant for neglect or refusal to work it shall be necessary, in order to obtain a conviction, to prove that such immigrant has neglected or refused to attend during any time not exceeding, if he shall be employed in the field, seven hours between sun-rise and sun-set,

*J. Crosby.* and if he shall be employed on the estate's buildings ten hours, 6th Sept., 1870 between the hours of five in the morning and eight in the evening. That would imply that seven hours were looked upon as a fair criterion for a day's work.

Mr. Cowie—That is repeated in the Act of 1868.

Mr. Jenkins—Will you ask Mr. Crosby whether in his opinion, supposing an immigrant to have earned five shillings on Monday and Tuesday, he has then completed his week's work?—A. Week's work I take to be five tasks of a shilling each. The question has arisen within the past few days whether or not an immigrant who had done five shillings' worth of work on Monday and Tuesday was entitled to absent himself for the remainder of the week.

Q. 3130. Sir George Young—What is your opinion on that subject, Mr. Crosby? Is it a difficult point to decide?—A. My opinion will not be of any great force; but I should say he was a perfectly free man and could not be arrested for being off the estate or anything else, if he has completed 5s worth of work. He is as free as I am, and can go where he pleases.

Q. 3131. Then you consider that section 11 avoided in its application all the previous sections of that Act, No. 9 of 1868? It is very nearly a reproduction of the 116th section of the old Act. In that section you observe that any immigrant who shall, without leave first duly obtained, absent himself from work, shall be deemed guilty of an offence?—A. He does not if he performs five tasks.

Q. 3132. He does not obtain leave?—A. No; but it is not required of him, if he has done five tasks.

Q. 3133. Where do you find that five tasks are all that are required?—A. Here, in section 115; it says:—"Every indentured immigrant shall perform five days' labour or five tasks in every week."

Q. 3134. But it does not say that is all, does it?—A. I think so. I think that is all he is bound to perform.

Q. 3135. Is not that an inference?—A. No, five tasks are all he is required to do.

Q. 3136. Refer again to section 11. Suppose he "shall neglect or refuse to commence at the time and place ordered for any work required to be performed by such immigrant, and which he

shall be so ordered to perform by the manager of such plantation," *J. Crosby.*  
 would he not be guilty of an offence?—A. That is not in *8th Sept. 1870*  
 unison with the other section certainly.

Q. 3137. Do you consider the expression "any work" is limited by the previous expression five days' work or five days' task?—A. I should consider so as the Act is constructed. It appears to me that if he has performed five tasks he is exonerated from further duty. It is true; there ought not to be any doubt about it.

Q. 3138. What is the practice in this respect?—A. I do not know.

Q. 3139. Don't you know whether it is the custom of estates to require more than five days' work or five tasks?—A. I do not know. The question has never been raised before me under Ordinance 9 of 1868.

Q. 3140. Is it not part of the duty of the Immigration Officers to ascertain such facts?—A. Well, it may be, but it is impossible for the Immigration Office to go into all these matters.

Q. 3141. Is it not as important a matter as they can possibly spend their time upon?—A. It is, probably, the most important.

Q. 3142. As to the amount of work the Coolies are bound to perform?—A. It is very important.

Q. 3143. Supposing your interpretation is right, is it not possible, for aught the office knows, that the practice may have been entirely at variance with the law for many years past?—A. I have had no complaint of that character. The only complaint has been, of an insufficient amount of payment for the tasks they were required to perform. I have been given to understand, always, that if five tasks were performed it was sufficient, that every manager was satisfied and did not require anything beyond it.

Mr. Cowie—Would you allow me to put this question. Mr. Crosby has spoken of five shillings' worth of work being done on Monday and Tuesday. I should like to know his construction of the 3rd section of Ordinance 9, of 1868:—"Every indentured immigrant shall be bound to perform five consecutive days' work, commencing on the Monday; or if employed at task-work, five consecutive tasks, commencing on the Monday in every week."

J. Crosby.

6th Sept. 1879

Sir George Young—There is an option there.

Mr. Crosby—There is no doubt one is opposed to the other.

Q. 3144. Sir George Young—Would you say that he has an alternative, that he is bound to perform one or the other, but not a thing that complies with both?—He may if he likes extend the work over five days or do it in two days. If he chooses to do it in two days, in my opinion, he is exonerated from further labour as entirely as a free person. These answers I am giving without that mature consideration which I should give if I had to decide them on my own responsibility.

Q. 3145. The President—Would not the necessity of his appearing at muster roll in section 11 interfere with his liberty?—A. Well, it would, and there is another restraint on him that ought not to be. I consider that all these restraints, if he has performed his five tasks, are not proper restraints, are not legal restraints, as the Act is constructed.

Q. 3146. Sir George Young—You say these two points, the amount of work enforceable, and the degree of freedom allowable, by law, have not yet arisen; what was the point in the *Leonora* case?—A. I forget exactly.

Q. 3147. The endorsement you read said it was upon the construction of clause 11?—A. I think that was the point.

Q. 3148. What was it?—A. I think the parties were ordered to do the work over again; they had done it, according to the opinion of the manager, imperfectly, and they were ordered to do it more completely; they refused to do it as they said they already did it as it ought to be done. I think that was the question for the magistrate to decide. Then it was for the magistrate to see whether they had, in ordering the men back to perform the work and to make it such as could be approved by the manager, complied with all the details it is necessary to comply with under section 11:—"Provided always that in every case of incompleteness or badness of work, it shall be the duty of the manager or any overseer duly authorised by him to ascertain by personal inspection whether such work was in fact left unfinished or not perfectly performed, and such manager or overseer shall further note to the best of his knowledge and judgment the actual value of such bad or unfinished work, and such manager shall thereupon forthwith call upon the immigrant who so performed such bad or unfinished work, to complete and satisfactorily finish such work within a reasonable time hereafter, and if such

be not so completed and finished by such time it shall be lawful for such manager to cause it to be so completed or finished by some other labourer or labourers, and in any such last mentioned case the immigrant who so left such work badly performed or incomplete shall not be entitled to receive any payment for such bad or unfinished work." I think the question was whether that proviso had been carried out.

J. Crook.  
6th Sept., 1870

Q. 3149. As I gather, they refused to complete certain work?  
—A. Yes.

Q. 3150. Supposing that incomplete work fulfilled the conditions of the previous section?—A. They ought to be paid for it.

Q. 3151. Would it not be a material point in the case?—A. Decidedly.

Q. 3152. Would it be possible to obtain a conviction of them?  
—A. I should say not. They would have performed all that was required of them.

Q. 3153. Was that point ascertainable from the evidence?—  
A. Yes, I think it was.

Q. 3154. That unsigned paper proceeds on that basis?—A. Yes. It was the view that the author took of it, that having performed 5s worth of work they were not responsible to any further extent, and that they could not have their week's wages withheld after they had finally completed the work.

Q. 3155. The President—Do you know whether this proviso was carried out in its integrity in that case?—A. I cannot tell. It did not appear to me to be so from the evidence. It appeared to me to be quite the reverse, and that the proviso in this section was not carried out. That is the ground upon which I differed in opinion with the magistrate.

Q. 3156. Sir George Young—Do you know what the Coolies thought about it?—A. No ; I do not. I never had any conversation with them except when they came to lodge their complaint. On the 3rd when I saw them at *Tuschen de Vrienden* I had no conversation with them.

Q. 3157. Then you saw them again on the Friday or Saturday morning?—A. They made no complaint then. There was a degree of excitement at that time, a great number of persons were there, and the Attorney General on Friday addressed them generally.

*J. Crosby.*  
9th Sept. 1870.

Q. 3158. Sir George Young—You do not know whether they said they had done 5s. worth of work and nothing more could be asked?—A. No; so far as I know nothing was said. There was no reference to any proceeding before the magistrate. I never said anything to the people about it.

Q. 3159. Is it not the fact that 5s. worth of work is a very small amount to expect from a Coolie for a week?—A. Very small indeed both of work and pay. The work must be exceedingly profitable to make 5s. worth pay upon an estate, I should think.

Q. 3160. The President—You told us yesterday you were not likely to have any inquiry showing how many hours a shilling's worth of work is likely to occupy an average man?—A. I should think an able-bodied man would get it over easily in three hours, as far as my observation goes.

Q. 3161. A shilling's worth of work might be performed in three hours?—A. I should think an able-bodied Creole labourer would do it.

Q. 3162. Mr. Mitchell—All kinds of work?—A. That which is paid at the higher rate, I should think; that which is called shovel ploughing. But I am not a great authority upon these matters. I think an able-bodied Creole laborer, an industrious man, can earn his two shillings a day in about eight or nine hours' work, certainly. Eight hours' work I should say in this climate would be equivalent to ten in a more temperate climate. That would be at the rate of about 3d an hour.

Q. 3163. Then you think he could not earn 4s a day?—A. Very few persons could earn that. Sometimes, I believe, very strong able-bodied Creole men do earn as much in digging trenches.

Q. 3164. That would be an extraordinary case?—A. Yes; and I should say they would work more than eight hours a day.

Q. 3165. There is a minute of a resolution of the Court of Policy at the bottom of one of these Chinese indentures which says that a man can easily earn from 2s. to 4s. a day. Do you think that is the case?—A. Any active man, an able-bodied Creole, would earn that.

Q. 3166. The President—It is a bait held out to the Chinese. It says that an able bodied man can easily earn that, and the Emigration Agent is instructed to inform them of it?—A. I do

not think a Chinaman coming to this Colony can easily earn it. *J. Crooby.*  
A good many of them are very strong able-bodied men. 6th Sept. 1870.

Q. 3167. Mr. Mitchell—The resolution states, that men can earn from 2s to 4s per day, women from 1s to 2s, and children 8d; and that a full supply of food can be purchased for 8d per day?—A. That is impossible.

Q. 3168.. Do you mean that this statement was a misrepresentation?—A. It is exaggerated, certainly. I should say that for immigrants upon their first introduction it would be quite impossible to earn that sum.

Q. 3169. Has your attention been called to that resolution before?—A. I do not think it ever has. I know this, that when Chinamen have come to this country and have had an advance of \$20 in China under an agreement to return it under Act 19, of 1860, in a given space of time, and have also made an allotment of \$2 per month to their friends in China, as I have said, it was physically impossible for them to do so.

Q. 3170. Sir George Young—To pay \$2 a month?—A. Yes.

Q. 3171. Mr. Mitchell—What are their earnings under their first indenture?—A. I should think that if able-bodied men earned 1s 4d a day it was as much as they could do until they had acquired an aptitude for the work. But they are very excellent workmen, and when they do acquire an aptitude for the work, I think they could earn as much as \$3 or \$4 per week. When I have had to investigate the prices of labour, I had found that to be the case. But that is only in individual instances; and if you were to take the whole body you would find they could not by any possibility average that extent. But all these inquiries as to labour will speak of themselves; I am only speaking from memory.

Q. 3172. Sir George Young—Are these documents (the indentures) in your Office?—A. Yes.

Q. 3173. Did you never consider it your duty to remonstrate against these statements which you consider exaggerated?—A. I do not know that I have ever remonstrated about that which has taken place in China.

Q. 3174. Mr. Mitchell—Were the Chinese as a rule generally provided with gardens upon the estate?—A. I think that at the Skeldon estate they had gardens, and, I believe, at some others. I think I recollect that several years ago they had at Leonora,



*J. Crosby.* but I will not be quite sure. I believe there is a great disposition to give them gardens generally among many planters. But I do not think the people avail themselves of it so much as was anticipated or could have been wished.

Q. 3175. I have been looking over these indentures from 1859 to 1866, and I find that in every case the agreement was that they were to be provided with house accommodation and garden ground?—A. I believe that very frequently they had garden ground offered them.

Q. 3176. But they did not take advantage of it?—A. Yes. I do not know that it was offered in precise accordance with the terms of their agreements; I do not know that it was always insisted upon, I mean by the Immigration Department.

Q. 3177. At first, in the contract with the Chinese, they were to be paid \$4 a-month, and provided with food?—A. Well, they have changed that. They all chose to be paid generally in accordance with the ordinary laborers of the colony.

Q. 3178. The President—But at first it was so?—A. I do not recollect that they were ever paid \$4 a-month; they may have been, but I do not recollect it. It was in the very early period of Chinese immigration, if it was so.

Q. 3179. Sir George Young—When would the Chinaman make his election?—A. Oh! generally on arriving. On going on the estate it was generally explained to them by their fellow countrymen.

Q. 3180. After they had gone on the estate?—A. And by the interpreters on board the ships.

Q. 3181. You mean that they would have sometimes made that choice before they went on the estates?—A. Well, I think so. I think they were very frequently told. I think they almost always chose to work as ordinary laborers and buy whatever provisions they liked.

Q. 3182. Mr. Mitchell—Suppose a Chinaman agreed to work on the same terms as the ordinary immigrants, would another indenture be drawn for him?—A. No.

Q. 3183. Can you explain how it was done?—A. There was no intimation before, a magistrate, I think.

—You explain why in one case a new indenture was migration Agent

drawn instead of the original?—A. Yes. This [an indenture from the *General Windham* produced.] I think was drawn in pursuance of that Act, No. 30 of 1862. J. Crosby.  
6th Sept. 1870

Q. 3185. Did many cases of that kind occur?—A. I think not. I think it only had reference to one ship. I think this was not carried out; the indenture was abandoned.

Q. 3186. There is another, the *Royal George*?—A. They came under very particular circumstances; they must have arrived about the same time. I see they arrived in April and in May 1859.

Q. 3187. There is a scale of diet given in the original indenture?—A. Yes.

Q. 3188. What do you consider it would cost to purchase that diet for a month?—A. I am sorry to say I do not know the prices of the articles sufficiently to enable me to say.  $3\frac{1}{2}$  lbs. of beef or pork would cost about 8d per lb.

Q. 3189. Might he not have some difficulty in ascertaining whether the \$4 and food were equal to what the rest were earning?—A. My impression is that all these people worked at the ordinary rate of wages and preferred purchasing their own food.

Q. 3190. Mr. Cowie—May I be permitted to ask upon that whether, when, as he says, they preferred abandoning the contract as to the \$4 and food, they entered into any new engagement?—A. I do not think they entered into any new engagement.

Q. 3191. Sir George Young—Except in the case of those two ships, I suppose?—A. Yes.

Q. 3192. In the case of those two ships they did enter into a new engagement?—A. Yes; but I think this indenture was not acted upon afterwards.

Q. 3193. Did they give up their old indenture and take nothing in return—no security?—A. I do not think they gave up their old indenture.

Q. 3194. You say they preferred going in upon the ordinary rate of wages and giving up their title to \$4 a month and allowance of food. I want to know what induced them to do such a strange thing, for it is strange, if they did it and got nothing in return?—A. I really forget entirely whether there was any

J. Crosby. specific agreement on the subject. I could not say without 6th Sept. 1870. reference to the ships' papers. I dare say I could trace it then.

Q. 3195. Mr. Cowie—May I ask whether, as a matter of fact, those Chinese who gave up the benefit of the indentures upon which they came did not enter into a new contract before the Stipendiary Magistrate?—A. I have some indistinct recollection that they did do that. I think they went before the Stipendiary Magistrate and acknowledged that they wished to work at the ordinary rate of wages. They generally very soon became ordinary laborers of the country. I do not think there is anything in the Act No. 19 of 1860 on the subject.

Q. 3196. Mr. Mitchell—Used any notice to be ever given to you when a man entered into a different contract before a magistrate. Was the magistrate bound to send notice to you?—A. No.

Q. 3197. Then you would not know in these cases when a man had done so?—A. No; I do not recollect any particular communication being made to the Department on that ground.

Q. 3198. I see that in the subsequent indentures.—I have one for 1866 before me—the provision as to food was left out entirely?

Mr. Crosby—That is from China.

Mr. Mitchell—Yes.

Mr. Crosby—I dare say that was in consequence of some communication to say that the people preferred the ordinary wages of the country.

Q. 3199. Mr. Mitchell—The Chinese preferred it?—A. Yes.

Q. 3200. Sir George Young—You do not know this; you only suppose it?—A. Yes; I could easily refer to it, and trace up these matters I dare say. Probably you will see that all the subsequent indentures are on the same basis, and that there is no mention of \$4 a month.

Q. 3201. Was it found that \$4 a month and food on that scale was too much to offer?—A. I do not know that it was too much. I do not know what the value of the food would be; but I should think the food was not of greater value than \$4, making \$8 a month. You see he has at least half a pound of fish, or beef, or pork daily.

Mr. Cowie—If the Commissioners would like to see it, I J. Crosby.  
can hand up a statement of the wholesale prices of rice and <sup>6th Sept. 1870</sup>  
beef, and pork and fish, for the last two years. I have not  
anything beyond that.

Mr. Crosby—I do not think we have had any Chinese here since  
1862. I think the *Zouave* was the last ship. You will see by  
the returns which I handed in yesterday when the *Zouave*  
arrived.

Mr. Mitchell—This indenture is dated 1866.

Mr. Crosby—What ship is that? No ship arrived here in  
1866 from China. I think you must be mistaken. (The inden-  
ture was handed to the witness.) No; I beg your pardon, I  
think the date is 1860. I think it would be the *Pride of the*  
*Ganges*.

Mr. Mitchell—The date is the 12th Feby., 1866.

Mr. Crosby—No ship came here in 1866. I think a ship was  
probably intended to have been sent but was not sent. I do  
not think you will find any later than the *Pride of the Ganges*.

Q. 3202. Mr. Mitchell—Did the *Light Brigade* come here?—  
A. Yes; I think she was the last.

Mr. Mitchell—That also is dated 1866.

Mr. Crosby—Then that must have been the last year, they  
must be under their first term of indenture, now nearly expired.

Q. 3203. Mr. Mitchell—Do you remember how many you  
received during that season?—A. No; I do not at all.

Q. 3204. Are you aware whether any of those who arrived in  
1866 have gardens?—A. No; I do not know of my own know-  
ledge. I was not in the Department at that time and I might  
have forgotten it. I do not recollect going on board of her.

Q. 3205. The President—The *Light Brigade* from Amoy and  
the *Pride of the Ganges*, from Hong Kong, both came in 1866?  
—A. Yes; I have no doubt. I think the *Zouave* was the last  
ship I went on board of. That was in 1863 or 1864.

Q. 3206. Mr. Jenkins—May I ask whether Mr. Crosby has  
any personal knowledge as to whether or not the Chinese were  
offered the option of remaining under the terms of their inden-  
ture, or going in upon the ordinary rate of wages. I ask the

*J. Crosby.* question with reference to the evidence I propose to give?—A. I  
6th Sept. 1870 have no personal knowledge.

Q. 3207. Sir George Young—You were aware of the fact that the Chinese came out under indentures differing from the indentures they worked under?—A. I must have been aware of it at the time; because the indentures were very carefully perused by me, and whenever a Chinaman came to the office on any account whatever, either to change his location or to commute or anything else, I always referred to his indenture, and for that purpose I always kept one in my drawer from each ship.

Q. 3208. Did you ever enter into any comparison between the respective advantages of the indenture under which they left China and the terms on which they were working here?—A. No, I never did for this reason, because the Chinese never did in fact complain. I do not know that I ever did have any complaints from a Chinaman of his indenture not being faithfully carried out. The only complaints were of their original rate of wages not being the same as that of the Creoles.

Q. 3209. Ordinarily the office is entirely without motion until a complaint is made?—A. Yes; I have had no power of locomotion for the last eight or ten years.

Q. 3210. Mr. Mitchell—Did the Chinese often abscond?—A. There have been from time to time a good many desertions.

Q. 3211. Can you account for those desertions in any way?—A. No; except that a great many persons have been introduced into the Colony that ought never to have been. A great many became opium smokers, got into ill-health and dissolute habits. They were unaccustomed to field labor. I do not think there were more than ten, certainly not more than twenty per cent of those introduced, were designated as agriculturists. You can see that by the returns made up in 1863, in which I analysed the trade and occupation of individuals that came from China.

Q. 3212. Have those Chinese who have arrived lately been of a better class than those that came at first?—A. Yes; but the two last ships I did not inspect. They arrived in 1866 when I was not in the department, which is the reason why it is not impressed upon my mind that those two ships did arrive in that year. There were a remarkable body of people that came in the *Zouave*.

Q. 3213. Of those who arrived subsequently to 1866 have

many absented themselves?—A. None have arrived since 1866. *J. Crosby,*

6th Sept. 1870

Q. 3214. Have many of those that arrived since 1863 run away?  
—A. I do not know that any great number have, for there have not been so many desertions amongst the Chinese as in former years.

Q. 3215. Do you consider that was through their being accustomed to field labour in their own country?—A. I think those that came in the last few ships were a better class of labourers; but without reference to the reports on the last ships, I could not speak so accurately as I could wish. When I was at the office, every ship was inspected by me, every ship reported upon, and the impression made upon the health officer and myself at the time of inspection was recorded. Those reports were written a few days after the ships were discharged, and they are the only criterion that can be obtained.

Q. 3216. Mr. Cowie—Will the Commission allow me to ask whether the great majority of Chinese desertions does not occur among men who have served their first time, got bounty upon reindenture and immediately gone away nobody knows where?—A. I am not at all aware of that. I have known instances in which they have done it. Deserted probably the next day after getting \$50.

Q. 3217. Is not that very frequent?—A. No; not very frequent. I have known instances also with Indians.

Q. 3218. Mr. Mitchell—Do you consider that desertion is more frequent amongst those who are undergoing their first term of indenture?—A. Yes; I think so myself.

Q. 3219. Mr. Cowie—There is one question I would like to put on the subject of wages. Mr. Crosby has referred to an inquiry made in 1863 by the Sub-Agents as to wages. Will it be convenient to him just to tell me what was the general result of that inquiry?—A. The general result was a general uniformity of wages throughout the Colony; no very striking excess in one part over the other.

Q. 3220. I should also like to ask whether the result of the inquiry shewed that down to that time there had been anything in the shape of a general decline in the rate of wages?—A. No, I am not aware of that. These inquiries were merely made at the instigation of the Governor and copies of the report were sent home to the Secretary of State, they were not promulgated, I think.

*J. Crosby.* Q. 3221. Then coming down to the present time, I would ask Mr. Crosby, in his experience, if he has any reason for thinking there has been any general decline in the rate of wages?—A. I do not know that there has. People have complained that there has been a decline.

Q. 3222. But you have no reason yourself for thinking there has been a decline?—A. No, I have no reason myself for thinking so. They have stated it very frequently, but, when inquired into, it has been found that though from circumstances, such as, a change of manager, for instance, there would appear to be a reduction of wages, there was not actually.

Q. 3223. No general decrease?—A. No, I cannot say whether there has been any decrease or not. There has been, generally speaking, a general complaint of a decrease.

Q. 3224. Sir George Young—You think that is the popular belief?—A. I think that is the popular belief; but that does not come particularly to the cognizance of the department. If the wages have generally decreased, they have decreased amongst the Creole population as well as amongst the immigrants; therefore, if there has been any decrease, it must be general, not as to one particular class of persons only.

Q. 3225. Mr. Cowie—Then, with permission, I would ask this further question. I understood Mr. Crosby to say to-day, that for twenty or twenty-five years, there had been a sort of general custom or understanding that the pay for a fair day's work or task was a guilder. Has that been the daily amount that has hitherto been earned by Indian immigrants and Chinese immigrants as well as Creoles?—A. I dare say it may be considered a good average from 1s to 1s 4d: I think the Chinaman earns more than the Indian generally speaking.

Q. 3226. With the leave of the Commissioners I will point my question a little more. I suppose the statement you made with reference to the Coolies earning only two-thirds as much as the Creoles, you have arrived at from what you have seen on particular occasions?—A. Yes; when I have made investigations on estates.

Q. 3227. Have you not found that on an average, an able bodied muscular Coolie earns his four bitts a day, to 1s 4d?—A. Yes. I should say the better class of able-bodied Indian immigrants could do that; out of a gang of fifty there would be ten or fifteen or twenty that could do it, the rest would vary from that sum downwards, perhaps to a sum of 6 pence per day.

Q. 3228. When you are speaking of coming down as low as 6d a-day, do you include in the gang only male adults or women and children?—A. I should think men and women only. I rather think they are not always classed alike. J. Crosby.  
6th Sept. 1870.

Q. 3229. Sir George Young—Do you mean that it is a common thing for the most feeble men to be earning 6d a-day?—A. Yes. Those people who can only weed. I have seen returns of wages as low as 3s or 4s a-week on some estates, or about 6d or 8d a-day.

Q. 3230. Mr. Cowie—I believe we may take it as a general average that people, whether Coolies or others in the field, do not work more than five days in the week?—A. Oh no; Creoles less.

Q. 3231. Five days may be taken as the maximum?—A. Yes, for the immigrants.

Q. 3232. When manufacturing is going on in the buildings those who are employed work all the six days, do they not?—A. Yes, I believe so.

Q. 3233. May we take it in this way—I do not want to lead unnecessarily—whether according to what you know of the subject in the field or the buildings, an able bodied Coolie can earn 20 or 24 bitts a week, 20 in the field, 24 in the buildings?—A. Yes; I should say an able-bodied immigrant could earn that sum generally speaking.

Q. 3234. For five days' work?—A. Yes; I should say an able-bodied shovelman could do it.

Q. 3235. Or a man working in the buildings supplying the mill or that kind?—A. That would depend on the number of hours he had to work.

Q. 3236. A man employed six days in the buildings?—A. I do not know how they are paid in the buildings.

Q. 3237. Then, with the leave of the Commissioners, I will ask this question. I suppose that on very many occasions you have seen the pay lists of the estates?—A. Yes.

Q. 3238. And you have no reason to doubt that they are correctly kept?—A. I have never had any reason to doubt it.

Q. 3239. I believe that according to the practice, there is an entry on the books whether a man is at work any particular



*J. Crosby* day?—A. Yes, it is generally pointed out in the pay book what particular work he has been doing, whether in the field or in the boiling house. I think they are generally classified in the pay-list if shovel-ploughing; people who do strong work, and then weeders, &c. Then they are again classified according to nationality,—Indians, Chinese and Creoles.

Q. 3240. You think an examination of an estate's pay-list would give a correct account of the wages paid?—A. As far as my experience goes, I should say that would.

Q. 3241. Mr. Mitchell—When you say classified according to nationality, do you mean that people from different countries are set to work on different parts of the estate?—A. I think so. The Chinese, Indians and Creoles work together in separate gangs, but sometimes all together.

Q. 3242. Mr. Cowie—You have been very often, I suppose, in the field?—A. Yes.

Q. 3243. Do you not commonly see in the same field and in the same gang, Creoles, Chinese and Coolies working together indiscriminately?—A. No. I do not recollect that I have seen them mixed together as one gang.

Q. 3244. According to what you have seen, do you mean that they are divided into Coolie gangs, Chinese gangs, and Creole gangs?—A. I have seen different descriptions of people working in the same field, but the Chinese together, the Coolies together, the Creoles together, and so on.

Q. 3245. But all at the same description of work?—A. Certainly, I think so. I have seen all classes at the same description of work on the same estate.

Q. 3246. Have you ever seen anything which led you to think that the Coolie immigrants were put on separate or different work from the Creole laborers on the estate?—A. Oh, no; I do not recollect an instance of such a complaint.

Q. 3247. You have never seen any difference apparently made between the different classes of laborers?—A. No, not in the investigations that I have made certainly.

The President—These are questions which I had rather intended to put to the Sub-Agents.

Mr. Crosby—The Sub-Agents would be better able to answer them. *J. Crosby.*

6th Sept. 1870

Q. 3248. Mr. Cowie—There is one question which does not bear on the matter of wages which I would like to put. I want to know whether Mr. Crosby means that the duty of visiting the estates is so important that it ought to be conducted by the head of the Immigration Department, or whether he has had reason to come to the conclusion that the performance of the duty by the Sub-Agents has not been substantially satisfactory?—A. I do not think the head of the department, as it is now constituted, could visit the estates except on special occasions.

Q. 3249. Then have you good reason to think that the duty of visiting the estates on the part of the Sub-Agents has not been satisfactorily performed?—A. No; I think it has been satisfactorily performed as a whole.

Q. 3250. Sir George Young—Do you mean that their duties have been satisfactorily performed by the gentlemen in the office, or that the duty in its fullest extent has been done satisfactorily?—A. I do not know that the duty has been to the fullest extent done.

Q. 3251. I understood you to say that you considered the office undermanned?—A. That was not so considerable a reference to the visits to the estates, for the mere payment of bounty. There is not a sufficient staff in the office to inquire into all the cases that arise.

Q. 3252. Do you consider there is a sufficient staff in the office to discharge the duty of visiting the estates properly?—A. If one is absent and ships arrive it is impossible to have it done.

Q. 3253. Mr. Cowie—That is, the work of inspection cannot be done?—A. Well, it cannot be done satisfactorily; we cannot spare the means of doing it.

Q. 3254. Mr. Jenkins—With the permission of the Commission I will suggest a few questions. The witness has referred to proceedings which might be taken by immigrants under the Petty Ordinance against employers. I would ask this question: Has the witness any idea of the expense it would be to the immigrant to bring such an action? And I would go further and ask what would be the expense of retaining a legal adviser in the Colony in such instances?—A. I believe the cost of the

*J. Crosby.* summons is three shillings or four shillings, and for each witness summoned I think it is two shillings; if he retains counsel he would have to pay \$10 or \$20 at the least, and probably his travelling expenses.  
6th Sept. 1870.

Q. 3255. Sir George Young—Are solicitors allowed to practice before the magistrates in these cases?—A. Yes.

Q. 3256. Would it then cost \$10 or \$20, at the least?—A. Not \$20 for each individual. I do not know what the fees are; some men probably would charge more than others.

Q. 3257. You refer to two cases. Were they, *Nabb v. Menzies*, upon which you wrote in conjunction with the case of *Field v. Sohan and Seewotohul v. Menzies*?—A. I think so.

Q. 3258. Previously to that case had there been forwarded to you any complaint against *Pln. Zeelugt*?—A. I do not recollect.

Q. 3259. Will you look at that paper and say if you ever saw that or a copy of it?—A. I hardly think I ever saw this; nothing ever comes into my hands without being endorsed.

Q. 3260. Sir George Young—Is there any date upon that document?—A. The 24th April, 1867.

Q. 3261. Mr. Jenkins—It is stated that a complaint was made to you that you had not attended to?—A. I do not think that is very likely. I do not think any man ever came to me without his complaint being attended to as carefully as possible.

Q. 3262. Mr. Jenkins—I want to know if the witness can recollect having received a copy of that letter?—A. No; but if it has any existence, and if I did receive it, it will have been filed, and I shall be able to shew what action was taken on it.

Q. 3263. Can you remember whether the previous applications to the Governor which are there spoken of, came under your notice?—A. No, I cannot. Of this class of documents we receive a great many; people are hired to write them out; when the people in whose name they are written come to us and we read the letters to them, they sometimes have no knowledge of the contents and deny the statements altogether. We frequently send them away, but invariably every one of those documents go to the Government.

M. Cox, Inspector General of Police—I think that case wa

taken up by the police; I can throw some light on it if the Commissioners will allow me.

*J. Crosby.*  
6th Sept. 1870.

Mr. Crosby—I recollect now; it happened in Major Mundy's time.

Mr. Cox—The authorities of the estates were prosecuted for it; it went before the magistrates.

Mr. Crosby—I recollect a disturbance taking place; for some reason the police wanted to make an inquiry on Mr. Menzies' estate, and Mr. Menzies refused to allow them to go on the estate. I said I thought it was very much to be lamented that the police should be directed to go, and that some day it would lead to violence, as much as it was a trespass on the part of the police. The Immigration Agent General has great power, and could call anyone before him; but if the police went unless there was a felony or something to give them authority as constables, they have no right.

Q. 3264. Sir George Young—Then, in fact this circumstance happened at the time when your hands were tied by that order? —A: Yes; everything was thrown into the hands of the police at that time, and as Mr. Cox states he prosecuted.

Mr. Cox—May I ask whether since Mr. Crosby's hands have been loosed and he has had an opportunity of investigating these cases, instead of the police, he has not in his minutes frequently recommended that the police should be sent on the estates to make inquiries; I mean in the minutes between himself and the Governor.

Mr. Crosby—Possibly I may have done so.

Mr. Cox—Since that restriction was taken off?

Mr. Crosby—Yes; but I do not recollect the circumstance to which you allude. I do not recollect what gave rise to it; but not, I think, complaints upon such an occurrence as that.

Mr. Cox—Have you recommended that we should go on estates and act as Sub-Agents?

Mr. Crosby—No, I do not recollect the occasion, but I recollect this occurrence, and I recollect Mr. Menzies directly opposing it. I have never recommended that the police should be

*J. Crosby.* employed, when, as here, they would be considered as trespassers; but you will understand that I may have done so when there was good cause for their interference, as in cases of assault and suspected felony.

6th Sept., 1870

Q. 3265. Mr. Jenkins—There is one point which has not been brought out with regard to stoppages of wages. I would like to ask the witness if he knows anything about a custom of stopping wages at the pay-table on Saturday for insufficiency or incompleteness of work?—A. No, I do not.

Q. 3266. Has that never come under your observation?—A. I do not recollect. I think there has been one or two instances of its being stated that drivers on the estate were in the habit of taking the wages of immigrants and that they stopped the money.

Q. 3267. What I want to get at is, whether or not a subject of discontent amongst the immigrants, that they are not aware what wages will be stopped from them until they come to the pay-table on Saturday?—A. I do not recollect any specific instances.

Q. 3268. Can you explain a passage from an article in the *Creole* (produced) to the effect that overseers are valued according to their ingenuity of making stoppages?—A. There was a trial at the last Supreme Court of a stoppage of wages. I think on the *Ogle* estate.

Q. 3269. Sir George Young—Has the terms stoppage of wages any technical meaning beyond the fact of their not being paid?—A. I really do not know. A custom very often takes place of the driver first taking the money and afterwards giving it to the immigrants.

Q. 3270. Mr. Cowie—Perhaps the Commissioners would ask whether this case, to which Mr. Crosby refers, was not a stoppage of wages in the sense of embezzlement?—A. It was a prosecution of embezzlement.

Q. 3271. Mr. Jenkins—I do not think the witness understands the question I put. I want to know whether or not the immigrants do not complain, that on going to the pay-table on Saturdays, they find their wages unexpectedly stopped, on the pretence of their work being incomplete or improperly performed? A. I do not know of any myself in which I have been informed of that as an actual complaint. Complaints might be made generally, but not so as to authorise an investigation.

Q. 3272. Then with reference to the proviso in section 11 of *J. Crosby*. Ordinance No. 9 of 1868, I want to ask whether under that <sup>6th Sept. 1870</sup> section an immigrant ought not to be called upon on the day on which he unsatisfactorily done the work either to amend or complete it, instead of being compelled on Saturday to lose his wages?—A. He ought to complete his work before it is taken over; if it is not complete, it ought not to be taken over.

The President—If you will read through the proviso you will find that the manager must have the work finished by other labourers, and then he is entitled to stop the payment.

Mr. Jenkins—But he would have to give notice to the immigrant first.

The President—He must have it done by other people before he can stop the wages.

Mr. Crosby—I believe the way the proviso is worked gives great dissatisfaction.

Q. 3273. Sir George Young—Have you any reason to believe it is at all generally disobeyed?—A. I have heard from the Sub-Agents that there is great dissatisfaction in the way it is carried out. And that was the cause of the dissatisfaction on the *Leonora* Estate.

Q. 3274. Sir George Young—These numerous cases of which we have the details here, in which investigations have been held upon the stoppage of wages, do they refer to this particular proviso?—A. Not in general to this particular proviso. Few cases have arisen, I think, that have been brought to the Department to investigate, and I am not aware of any where action has been taken on the part of the Department itself. I am not aware of any other case than that of *Leonora*.

Mr. Whitfield—I have a few questions to suggest, if the Commissioners will be kind enough to put them. Can Mr. Crosby give any information as to the rate of mortality among immigrants.

Sir George Young—We have been promised a report on that subject.

Mr. Whitfield—Then I wish him to be asked whether he will inform the Commission, whether there are any special impediments

*J. Crosby.* affecting the immigrants in the acquisition of real or personal  
4th Sept., 1870 property, and if so, what they are?

The President—That is a question we have yet to go into. We shall come to that on a future examination of Mr. Crosby.

Mr. Whitfield—I have other questions to put to Mr. Crosby, which, perhaps, I shall defer.

The President—If you will attend here at the time when we are going into these subjects and will assist us with your question then we will be much obliged to you.

Mr. Whitfield—I have several other questions of a similar character to put, and I shall take measures in order that they may be put.

The President—We shall not sit to-morrow. Will it be convenient to continue your examination on Thursday, Mr. Crosby.

Mr. Crosby—Perfectly. If you would kindly make it  $\frac{1}{4}$  past 11. I have an engagement at 11.

The President—Very well, then we shall adjourn until Thursday, at a  $\frac{1}{4}$  past 11.

The Commission then at 4.30 adjourned accordingly.

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*Ninth Day : Thursday, 8th Sept., 1870.*

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The Commissioners took their seats at  $\frac{1}{4}$  past 11. Mr. J. Crosby.  
Crosby's examination continued.

8th Sept. 1870.

Mr. Cowie handed in a statement of the prices of the ordinary articles of food for the last two years.

Sir George Young—How does this come to us. Is it drawn from the market prices, or has it any official character?

Mr. Cowie—It was given to me by one of the leading merchants as a statement furnished to him by one of the wholesale dealers.

Sir George Young—May we take it from him? Can you give us the name?

Mr. Cowie—Mr. Oliver. I understand for every mail there are prices current published. Probably that may be taken as an epitome of them. It has no other authority.

Mr. Jenkins—Perhaps you will permit me to say that I have had a paper put into my hands this morning, and I should like permission to ask the witness to identify it. I will hand it up to the Commissioners and question him upon it, if they see fit. It purports to be a notice emanating from the Immigration Agent in India for the purpose of recruiting.

The document was first handed to the Commissioners and then to the witness.

Mr. Crosby—To my knowledge I never saw such a paper as this. It is one which certainly ought to be communicated to me officially. I may be mistaken in saying I never saw such a paper, but never recollect seeing it. It would have struck me most forcibly.

Q. 3275. What is the date of it?—A. No date whatever.

Q. 3276. Is there not "Garden Reach, December," something—A. "December 18," but no date.



*J. Crosby.*

8th Sept 1870.

Sir George Young—I do not know we can accept that paper without a name or date? Can you give us the name of the person from whom it comes, Mr. Jenkins?

Mr. Jenkins—I will give it, but I would prefer doing it privately. If the witness cannot identify it I will get some one else to do so.

Mr. Crosby—It is quite possible that the Sub-Agents, who attend more particularly to the minute details of the duty of allotting and distributing the people, may have seen such papers without my knowledge. The Health Officer and myself, individually, inspect the immigrants and ask if they have any complaints or anything of that sort. We inspect the ship, examine very carefully the provisions, and see to those matters, and after that I deliver her over to the Sub-Agents, who have the allotment and distribution of the immigrants to the different estates in such proportions as have been previously advertised. Now, in this paper you would observe that ———

Sir George Young—I think we must put off going further into that paper until we have an identification of it.

Mr. Crosby—In connection with that, I would, nevertheless, read a document which I brought into Court the last time I had the honor of being examined, one of which I gave to the Commissioners from the recruiters and the district magistrates in India. I confess that this morning when I read this, I was perfectly astonished. This is the paper. It is stated to have been taken from the register of immigrants, kept by the magistrate at Cawnpore, under section 30, of the Act 18 of 1864. I will read the ages of the people sent here as agricultural laborers, under engagement, to work here for a period of ten years. I will not read their names, but their ages: 65, 50, 60, 60, 55, 50, 60, 50, 45, 50, 45, 60, 40. I would not have believed if I had not read it. As I said before, these papers I always consider useless. They might be of use to the emigrants at Calcutta. I have invariably, almost always, sent them back. These few only remain in the office. I have been in the habit of examining the people as to their bodily and physical health, and I have been obliged to report very severely. I reported upon one ship where there was 12 or 13 people, at least, above 60. I am only speaking from memory, but I think the Commissioners will be a little astonished to find that, notwithstanding my reports, and notwithstanding the recommendation I

have made that sums of money should be stopped from the capitation allowance, and, in some instances, that the capitation allowance for the whole ship should be stopped—I cannot speak with certainty—but I understand the capitation allowance for the whole ship has invariably been paid. I have been the responsible person under that resolution of 1862.—Upon me the responsibility of the whole has depended, so far as legislation is concerned; yet, I believe, the Commissioners will find upon investigation, that these reports of mine have not been carried out. I do not know where the blame is. I do not pretend to blame anybody. I am only stating facts, but whatever facts come within my knowledge which I think ought to be brought to the knowledge of the Commissioners ought to be so brought.

J. Crosby.  
8th Sept. 1870

Q. 3277. The President—You say the capitation allowance has not only been paid illegally, but also contrary to your decided reports?—A. Not only illegally *ab initio*, but actually my reports have been disregarded, as I have understood. I shall show you a very important minute, indeed, of the late Governor, in which he coincides in opinion with me that they ought to be sustained, but they have not, as I have been informed. I do not speak with certainty. The responsibility was a very onerous one, and, as you may naturally suppose, one which would require very great delicacy in operation.

Q. 3278. Sir George Young—Will you turn, if you please, to Act No. 9, of 1868?—A. While upon that subject, I should like to express myself with regard to the examination here the other day. I confess I believe it to be a very grievous omission on my part, and I lament it very deeply that I have not brought to the notice of the Government those documents which have come into my possession, and which I ought to have known officially. I allude to the rate of wages stated in the papers given to the immigrants before they embark at Calcutta. I am ashamed to say that until the late examination, when it was put into my hand by Mr. Jenkins, I had no recollection of having seen such a document.

Mr. Cowie—What document?

Mr. Crosby—The certificates given by the Magistrates in India to the immigrants. And, I reproach myself on that ground, because I think I ought to have ascertained it in some way or other; but until then I had not any recollection or knowledge

*J. Crosby.* of its existence. I ought to have been made officially acquainted with it; and the very paper handed in this morning I ought to have possession or knowledge of.

8th Sept. 1870

Q. 3279. The President—Do not those registers which you return as useless contain exactly the same information?—A. Yes, they do; that I ought to have noticed, and that is where I reproach myself. With regard to the five years in that paper, it is alluded to as being under indenture, and another term of five years which they would have the opportunity of entering into, and then they would be entitled to a back passage. There is no misrepresentation in that statement. But I have this morning read a series of reports on wages on estates made by myself. I will give the whole of them to the Secretary. I think they will be found of some value. They have reference to some of the most important estates in the Colony. The first is the most important probably. It was made in consequence of a minute or direction of the Governor to which I alluded as having taken place in 1863 by the two Sub-agents. If you will permit me, I will just read the instructions of the Governor. You will then see how important it was and the manner in which it has been carried out. I think also that Mr. Cowie will also find it equally satisfactory to the planters and everybody interested.

Mr. Cowie—I wish you would tell us what it is.

Mr. Crosby—The minute of the Governor, dated 10th September, 1863, is in these words:—"I am anxious to ascertain the actual wages paid on each estate to the different classes of labourers, whether paid by the day at the buildings to the different classes, and the usual hours of work, or by the task." Those are the instructions given to me which I gave to the Sub-Agents. The instructions were given on the 10th September, 1863. I stated from memory that it was in 1863, and I was correct, although I do not wish it to be supposed that I am always correct in dates from memory. The senior Sub-Agent made these inquiries in the County of Demerara, and the report which I sent in on his report went very fully into the whole question of wages. It is number 576, and dated Tuesday, 1st of December, 1863. There are some points of this report to which I would like to direct the attention of the Commissioners. I read it very rapidly this morning and I am sorry I did not make a note against some portions of it. There is also a subsequent report on the same subject in reference to the county of Demerara, No. 579, dated Thursday, 3rd December, 1863. The Governor sent back a minute

requiring some further information, upon which I gave him this report. Mr. Firth, the Second Sub-Agent, made his usual half-yearly visits to the estates in the Counties of Essequibo and Berbice, and on Saturday, the 5th of December, 1863, I sent in a report drawn out on his representations and returns upon the wages payable on each description of work described by His Excellency throughout the Counties of Essequibo and Berbice. I have no doubt the report is to be found. I have no draft of it. You will find from it that that which I stated from memory comes pretty near to the fact that the rate of wages is not very dissimilar throughout the whole Colony, but rather less in Essequibo than in Demerara. You will find there, most accurately stated in reference to every description of work, the amounts of money actually paid for the labor performed. The difficulty that exists in ascertaining the relative proportion of wages on different estates consists of various circumstances which are in these reports very clearly described, and you will also find that in one report upon one of those estates a calculation is made by me, the result of which was that 10 Creole laborers performed work equal to 25 Indians or Chinese, and that the Chinese laborers performed a little greater amount than the Indian people.

J. Crosby.  
8th Sept. 1870.

Q. 3280. The President—What did you say about the Chinese?—A. The Chinese are in greater proportion. They work with more steadiness generally than the Indians.

Q. 3281. The Chinese are in nearer proportion to the Creoles? —A. Yes. I think, therefore, these reports, which I dare say are not one-twentieth of those available and accessible, will be found useful. These are reports which have been made by myself, and the investigations to which I allude have been made by myself. On the *Ogle* estate in 1867 —

The President—It is hardly necessary to go into details, We will look at these papers.

Mr. Crosby—You can look at these papers, but in order that Mr. Cowie might know they are all large estates, the *Ogle* and the *Vryheid's Lust* estates in 1867 —

Mr. Cowie—I thought it was in 1863.

Mr. Crosby—1863 was the foundation. You will find numbers of them, but these are the only ones of which I have drafts. The *Farm* estate in Mahaicony also in 1867, the *Montrose* estate and the *Moor Farm* estate which is a very important one

*J. Crosby.* in Wakenaam. There I had the assistance of a person who was practically aware of the value of work. He happened to be a policeman. He himself had been a driver on one of the estates. It was in consequence of that report that I said it was perfectly impossible to regulate rates of wages unless there was a body of persons, called sworn appraisers, available at all times to the Immigration Department to accompany the Immigration Agents in ascertaining the value of the work; and I have repeatedly again and again urged it upon the Government, not in set reports but in consequence of questions arising on the wages system. In my reports upon the memorials and petitions sent in to me, there was one upon the *Industry* estate to which I alluded the other day with regard to two bitts being illegally stopped. There was another report on the *Good Hope* estate in 1869, another on the *Waterloo* estate which was very fully gone into in September, 1869. Of these reports, if the Commissioners see no objection, I shall be very happy to hand the drafts to Mr. Cowie, which, I think, will enable him to go into the questions of wages with a knowledge of the views which have been taken by the Immigration Department. And I shall be very happy for them to be handed to Mr. Jenkins also for the same purpose if the Commissioners see no objection.

The President—If you will be good enough to put them in they will be accessible to both gentlemen.

Mr. Crosby—From the Government Secretary's Office you will get them plainly written. If the Secretary will attend to me after 4 o'clock I will give him a detailed account of them. Then these gentlemen will both have access to them, and probably before the examination of the Sub-agents will take place they will be both informed on matters upon which there has been a great deal of misrepresentation. These reports, I believe, have never been read by any one but the Governor. They are unknown to the public, and I believe to the Court of Policy, unless they may have been read with closed doors, and then whatever is done with closed doors the public have no knowledge of.

Q 3282. Sir G. Young—Now, may I ask a question or two with regard to Act No. 9 of 1868 before leaving it? I understand this Act is the one which now regulates the amount of work which can be enforced from immigrants?—A. You will understand, none of these reports I have been speaking of have reference to this Act. Those I have made within the last year

have reference to it. Mr. Jenkins asked me a question which gave me some difficulty to answer. Whether dissatisfaction had been expressed with the mode of working No. 9 of 1868, sec. 11? I stated that the *Leonora* estate was the only one on which there was an absolute complaint, but I may say that in the Immigration Department itself—I think the Sub-Agents will be able to explain it more fully than I can—continual dissatisfaction is expressed, although we have not got that description of complaint which enables us properly to go into it. There may be some which I have forgotten or omitted, because, as I said before, these are all private documents. These are merely rough drafts. I have not had any communication with the Immigration Department. I have not taken a single paper from there since this inquiry commenced.

Q. 3283. Will you turn to section 9 of the Act of 1868, and observe the latter clause "And the amount of one shilling for each task herein beforementioned shall be considered the measure of the quantity of work which every indentured immigrant shall be bound and liable to perform, as and for a task under section 5 of this Ordinance." I want to know in what respect a shilling is the measure of the quantity of work. It seems curiously drawn?—A. It is because you cannot help observing that the clauses continually clash with one another. There is nothing like logical uniformity in the Act. It is that which causes me to say that the Act No. 4 of 1864 —

Q. 3284. Sir George Young—Will you confine yourself to this point, if you please. In what sense can a shilling be taken to be the measure of the quantity of work?—A. I hardly know what is meant, as you will find this Act reduces the task for a day's labour, which always had been estimated at 1s. 4d. It seems to have been such a contradiction and so excessively extraordinary, that this Act which was drawn without my knowledge —

Q. 3285. I suppose we may conclude that if the task was estimated at 1s. 4d., 1s. may be considered the minimum?—A. Yes; the minimum, I should say, for an able-bodied man. Yet it says that is all he shall be bound and liable to perform.

Q. 3286. We have under this Act two methods of employing immigrants. One by tasks of one shilling and the other by the day. Is there any other required by law?—A. None other that I know of, but what that task is is indefinite; as you will see by these papers, it cannot be described. What is a task one day is

J. Crosby not a task another day, and for this reason——

8th Sept. 1870.

Q. 3287. Will you wait a minute please? Supposing that to be the case, would a task of a week's work be authorized by the Act? Suppose an immigrant was given a single task of a week's work to perform, would that be in accordance with the terms of this Act?—A. I should think not. It is a judicial question which would cause a great deal of deliberation, but I should say on the first blush, I should say decidedly not; I should say no manager could give a task sufficient to occupy an able-bodied man five days at the rate of eight hours per day, which is a fair amount of labour in this Colony. I do not think he would be justified by the terms of the Act in giving such a task. I think that directly he had completed five shillings' worth of work, the man would be able to stop; that is an imperfection in the Act.

Q. 3288. Do you mean the Act is imperfect in allowing a man to stop when he has performed five shillings' worth of work? —A. I think so. I think it is the greatest curse of this country that an able-bodied Creole labourer is enabled to maintain himself on two days' work. I have shewn in these reports how demoralizing it is, and how beneficial it would be if we could only develop our resources through the medium of Creole labour.

Q. 3289. But let us confine ourselves to this question? Supposing a task of a week's work was given, and at the end of the week the immigrant was not paid on the ground that he had not finished that task, should you say that was a compliance with the term of the Act?—A. Certainly not; I should say it was a vile oppression, but if the legislation is imperfect, who is to blame?

Q. 3290. Sir George Young—Was that point brought before you in the *Leonora* case?—A. No; I never had any other point brought before me than that which I read the other day. I know nothing more. I only gave an opinion on the evidence adduced before the magistrate, and in which, I regret to say, I came to a different decision from the magistrate.

Q. 3291. Sir George Young—Turning to another subject, what is the protection under this Act for an immigrant who is not able to do the ordinary work?—A. By the repeal of sections 115 and 116 that portion of section 115 of the Act No. 4 of 1864 which gave the magistrates authority seems to be excluded from this Act. Now, with regard to this Ordinance, according to my view of the sub-

ject, which I shall by and by hand in, that portion of the clause ought to have followed sections 115 and 116 in proper logical arrangement. Then the magistrate would be enabled to have said—"This person is not capable of performing five tasks," and would have been enabled to have judicated and made an order. J. Crosby  
24th Sept. 1870.

Sir George Young—You are now speaking entirely of the old Act. My question relates entirely to the new.

Mr. Crosby—There is no protection under that Act, I think.

Sir George Young—Refer to clause 7.

Mr. Crosby—I must confess, you gentlemen on the bench appear to have looked at these Acts almost with greater scrutiny than I have done.

Q. 3292. Sir George Young—Will you refer to section 7, of Act No. 9, of 1868. What I want to know is, how that clause practically works?—A. I am incapable of informing you, because I have never attended before the magistrates. I have no doubt you will examine every magistrate in the Colony *seriatim*.

Q. 3293. Do you observe that it says:—"In case any indented immigrant shall, in the opinion of employers of such immigrant, be incapable by reason of age, sex, bodily infirmity, or otherwise of performing in any week five days' work of the duration in point of time, or five tasks of the quantity of work herein before described, it shall be the duty of such employer to assign to such immigrant such reduced number of hours of labour by the day, or such reduced number of tasks as shall under the circumstances be fair and reasonable." Do you observe that there is no penalty for an employer who neglects that duty?—A. I believe there is not. I have scarcely seen a penalty against an employer in any one of these Acts.

Q. 3294. Then practically may we say there is no protection for an immigrant making a complaint in magistrates' courts under that proviso?—A. I think so.

Q. 3295. Supposing a complaint upon that point were made to the Immigration Office, what would be the remedy?—A. Then some one connected with the Immigration Department ought to take active measures himself. But then under the Petty Debt Act, which the immigrant is bound to sue under, I doubt very much whether the Immigration Agent can take upon himself the responsibility of going into Court. He may go and watch the



*J. Crosby.* case, but I doubt whether ———

9th Sept. 1870

Q. 3296. Supposing he cannot go into the Petty Debt Court, what can he do for the immigrant who complains that he has not been allotted a reasonable amount of work?—A. If he found there was any impropriety of conduct, he would report the circumstance to the Governor, and probably the Governor would exercise the powers invested in him under section 112; but that section 112 does not meet all the circumstances.

Q. 3297. Mr. Cowie—Would the Commission mind asking Mr. Crosby, whether as a matter of fact the Immigration Office do watch cases in the Petty Debt Court?—A. No; I admit that we cannot do it. We have not the means of doing it. I would go continually if I had the means of locomotion. I have no such means, but I ought to have; and my opinion is, if I had had, this Commission would have never sat.

Q. 3298. Sir George Young—Practically I was going to ask whether you were enabled to carry out the provisions of this section upon complaints being made under this section of the Act?—A. Not if the view the bench has taken of the duty of the Immigration Office is correct, that we should look into all these circumstances.

Q. 3299. We have just ascertained that there is no remedy in the Court. The only remedy therefore is in the Immigration Office?—A. Practically there is scarcely any other, except in particular cases, such for instance as the *Waterloo* case.

Q. 3300. Have you many complaints by Coolies that they are unable to perform the full day's work and have not had this reduced task assigned them?—A. No; I do not know of any, I cannot recollect.

Q. 3301. Do you remember since this Act was passed having had Coolies complaining to you often that the work was too hard?—A. Yes; they often come to complain of being called upon to go back and finish their work, and matters of that sort; in fact, shewing that this proviso in this clause 11 is not carried out.

Q. 3302. But of these cases, do you remember that there have been any, or any considerable number in which it was evident, from the state of the Coolie who complained, that he would not be able to do a full day's work?—A. No; I cannot answer that satisfactorily.

Q. 3303. You do not remember any investigation taking place in the office within the last two years upon that ground? J. Crosby.  
8th Sept. 1870.

—A. I do not, with the exception of *Waterloo*. I do not recollect distinctly. There were 10 or 12. I do not think I exaggerate; cases which arose in the month of July and September, perhaps even more than that, I have no reports concerning them; they were all done in this way;—a memorial was either sent to the Governor or to myself; chiefly to myself—

Q. 3304. Cases do you mean under section 7?—A. Yes. I think you will find—although I cannot now distinctly recollect so as to direct your minds to particular circumstances—I am quite sure there were 12 or 15 cases which took place in the latter part of the year 1869, which I think will illustrate the subject.

Q. 3305. The point is not as to complaints generally of the deficiency of wages, but Coolies complaining the work was too hard, because they could not do a fair day's work?—A. Yes, I think there have been such cases.

Q. 3306. Comparing this clause with the repealed section, should you say that the loss of the section under which it was formerly the duty of the magistrate to satisfy himself as to the ability of the Coolie to do the work was a loss of protection to the Coolie?—A. Yes, I think it was; although a magistrate is not very well qualified at all times to say whether a person is or is not able to perform labor, and is liable to much imposition. But medical men could not be brought into Court.

Q. 3307. Should you say that the sentence in section 7:—"Every such immigrant who without reasonable cause (the proof whereof shall be upon such immigrant) shall neglect or refuse to perform in any week five days' labour of such reduced number of hours or such reduced number of tasks, shall on being convicted thereof be deemed guilty of an offence," made any difference in the matter?—A. I think it imposes that upon the immigrant which he cannot accomplish. It is a practical impossibility for an immigrant to sustain his case with the phalanx he has opposed to him of manager, overseers, and drivers. It is impossible for him to bring home conclusively his case; therefore, I say, he ought to be protected by the Immigration Department.

Q. 3308. I suppose his appearance in Court, if he were palpably unable to do a day's work would be sufficient proof?—A. If I were acting as a Magistrate I should think so; but I have heard of people sent to jail with sores, and the surgeon has com-

*J. Crosby.* plained bitterly of people being sent there instead of being sent to the estate's hospital.  
8th Sept. 1870.

Q. 3309. Do you mean of late years?—A. Within the last three or four years, certainly.

Q. 3310. Is it within your knowledge that a magistrate has ever taken upon himself to send immigrants back to the estate's hospital?—A. Oh yes. I think I had some communication on that subject with the Governor, particularly with regard to Mr. Humphreys, on the Essequibo Coast, who stated in a public document that people were brought before him for trial who were only fit to be sent to the estates' hospital.

Q. 3311. Have the magistrates any power to do that, or is it a stretch of power?—A. I doubt very much whether they do not take the responsibility upon themselves. I believe he was found fault with by the proprietor of an estate for so doing, but I do not know it of my own knowledge.

Q. 3312. Do you know of what estate?—A. That estate was *Spring Garden* down in *Essequibo*. The documents are all in existence.

Q. 3313. Where can we get these documents?—A. I think in the Government Secretary's Office.

Q. 3314. A correspondence between Mr. Humphreys and the Government Secretary?—A. Yes.

Q. 3315. Are the papers in the Immigration Office?—A. No; I think there is one paper which has my name to it.

Q. 3316. Do you know the period about which this happened?—A. I think it must have been within this year, early this year, if I mistake not.

Q. 3317. Will you ascertain if there are any papers in the Immigration Office referring to this case?—A. I will certainly, if you wish it.

Q. 3318. And allow us to have them?—A. I will, certainly, but they are to be found in the Government Secretary's Office, I believe.

Q. 3319. Will you turn to clause 108 of the Consolidated Ordinance No. 4 of 1864, it is the section by which the daily muster roll is enacted. Did that clause work satisfactorily?—

A. Some managers, I believe, did approve of it, but a great many of them have taken advantage of No. 9 of 1868, section 12. There was some difficulty about it, for this reason I have understood: Chinamen, for instance, went out to work earlier than 6 o'clock, and very often did not appear at the muster roll, and some other persons, I believe, on the estates did the same; therefore the most industrious people probably on the estate did not attend the roll on that account, not from any negligence. The managers found, of course, that was a little deviation from the law, but not such a one that was inexcusable. No fault could be found; the men actually worked though they did not comply with the law.

J. Crosby.  
8th Sept. 1870.

Q. 3320. I observe that under the new Act No. 9, of 1868, the production of the muster roll and the entries therein are made *prima facie* evidence?—A. Yes.

Q. 3321. Was that a change of the previous law on the subject?—A. Yes. Under the previous Acts No. 4 of 1864 and No. 7 of 1854, no magistrate could convict without the muster roll.

Q. 3322. If you refer to section 164 of the Act No. 4, of 1864, you will find that the clause from 7 of 1854 is repeated there?—A. Yes, the employer is compelled to produce it.

Q. 3323. What was the change practically which was made by making it *prima facie* evidence?—A. He must, I suppose, produce the note books; it is rather cumbersome.

Q. 3324. I am not going to the note books yet. We will keep to the muster roll entirely?—A. The muster roll, I should say, under this section of the Act, must be produced —

Q. 3325. I want to know what is meant by saying the muster roll must be *prima facie* evidence?—A. I do not know.

Q. 3326. At the end of clause 13 of the Act 9 of 1868?—A. "Every muster roll shall be carefully preserved by such an employer and shall be by him produced when called for before the Immigration Agent-General or before any Stipendiary Justice of the Peace, or before any other person duly authorized thereto by the Governor; and any employer who shall refuse or neglect so to produce any such muster roll shall on conviction be deemed guilty of an offence and shall pay a fine not exceeding \$48; and every such muster roll shall be admissible in evidence and

J. Crosby, 8th Sept. 1870. shall be received by all Courts and before all Justices as *prima facie* evidence of the several matters required to be entered therein by the Ordinance." Of course, when it mentions the Immigration Agent General, it means in the official visits to the estates which the Sub-agents pay.

Q. 3327. When it says that it shall be *prima facie* evidence, does it mean that the muster roll is sufficient evidence to establish the case for the prosecution, supposing no evidence is produced in reply?—A. Oh dear, no; I should say it was only evidence that he did attend the muster roll.

Q. 3328. It says that by all Courts and before all Justices the muster roll shall be received as *prima facie* evidence. Does it mean that unless there is evidence on the side of the defendant the case is to be considered proved?—A. I should say not, but it is very difficult to say. I cannot comprehend it, and I think if you would look at section 12 no human being could comprehend it. I do not understand the meaning of the words "evidence of the several matters to be entered therein;" it can be evidence only of what is entered in the muster roll.

Q. 3329. But the facts entered in the muster roll are the facts requiring to be proved, whether the immigrant was or was not absent?—A. Yes; it would prove his absence, I suppose.

Q. 3330. Suppose a manager wished to prove an immigrant absent from work and produced the muster roll with the word "absent" upon it, and suppose the immigrant had no evidence beyond his own assertion, would the muster roll be sufficient evidence?—A. I should say not.

Q. 3331. What further would the employer have to produce?—A. He must prove absence from work. He must go into other evidence; he cannot convict upon that alone, it is impossible.

Q. 3332. Do you believe that no convictions are made upon the muster roll alone?—A. I should say not; I should say it was impossible. I never knew an instance of it; but I have seen but very few convictions of magistrates.

Q. 3333. Mr. Cowie—May I ask Mr. Crosby whether, according to his knowledge, proof beyond bringing up the muster roll is not given; whether the parole evidence of the manager or overseer is not in practice given, or any thing beyond the mere production of the muster roll?—A. I have no knowledge of it,

but it must be given, I should say, if the man is legally convicted. *J. Crosby.*  
 ed. I do not mean to say that illegal convictions have not taken 8th Sept. 1870  
 place, or that all convictions are legal.

Q. 3334. Sir George Young—I have put these questions because I am anxious to know what view the office takes of these matters. Is the presence of the manager or any of those persons necessary to prove the man's absence?  
 —A. I should say so.

Q. 3335. Do you understand that the presence of some one who can give parole evidence beside the muster roll is considered necessary by the magistrate?—A. I should say so, certainly.

Q. 3336. You believe that it is?—A. I should say that it is. I cannot say that I know absolutely what takes place; I dare say the Sub-Agents who are in the habit of going before the magistrates will be able to give information. The Immigration Department, in fact, does not watch the working of this clause, in my humble opinion, sufficiently; they cannot with the present staff; it is a physical impossibility. I do not exaggerate, and I believe every man in this Colony knows it, that I have myself been at work nine hours every day of my life, and that the other young men have been at work all the day long from the time they come ——

Q. 3337. I am not attempting to impute blame to the Immigration Office, but the fact is the Immigration Office does not watch these cases at all?—A. It does not; it cannot; but I would have watched them all like a hawk if I could.

Q. 3338. Now with regard to the substitution of the note book for the muster roll. Do you know if the immigrant has any means of knowing what is entered in the note book?—A. That is a question I have no means of answering. The magistrate I should think would question him and ascertain before he took the note book in evidence. I should take it for granted that the magistrate did so.

Q. 3339. Mr. Mitchell—Is the note book produced in evidence, or is the muster roll produced?—A. One is substituted for the other.

Q. 3340. But which is produced?—A. If the muster roll has been abandoned and the note book resorted to instead, as I be-

J. Crosby—lieve, it has been on thirty or forty estates ; of course, the note  
8th Sept. 1870. book must be produced.

Q. 3341. But if they keep the note book are they not bound to keep the muster roll as well ?—A. No.

Sir George Young—Look at section 12. It appears to me that the note book is to be copied into the muster-roll.

Mr. Crosby—I do not believe it is practically done, but I am not capable of answering whether it is done or not. The communications which have been made to me have always run as if the one had been substituted for the other. I should like to see the original report upon which this section 12 was founded.

Sir George Young—"In such latter case he shall cause to be noted daily in note books by some person or persons thereto authorized by the employer, the name of every immigrant found actually at work on such plantation and the place at which he may be so employed, and every such employer shall enter or cause to be entered in the muster roll opposite the name of such immigrant so found actually at work on such plantation, in the column proper for that purpose, the word 'present' in each daily from day to day, as shown by the several note books used for that purpose."

Mr. Crosby—That would imply that in all cases the muster roll should be produced before the magistrate.

Sir George Young—No, but that it ought to be kept.

Mr. Crosby—Then the question that would arise, which is to be produced ? There are two original things created.

Sir George Young—If you will read to the end of the section you will see the muster roll is assumed to be the document.

Mr. Crosby—"And such entry daily into the muster roll in respect to every such immigrant shall be held and taken to be the daily calling over of the names of the immigrants on the muster roll of such plantation."

Q. 3342. Sir George Young—The muster roll still seems to be accepted as the document still to be produced ?—A. Yes ; it does.

Q. 3343. The President—And the following section mentions the muster roll ?—A. Yes : "Every muster roll shall be carefully preserved by such employer and shall be by him produced when called for before the Immigration Agent-General, or before any

Stipendiary Justice of the Peace or to any other person duly *J. Crosby.*  
authorized thereto by the Governor."

8th Sept. 1870.

Q. 3344. Mr. Cowie—May I be permitted to ask whether, according to the present practice, the pay list does not constitute the muster roll as well as a return of the wages that are actually earned or payable on every estate?—A. That I really do not know practically, but it ought not to do so. The muster roll is a separate and distinct thing done by special enactment, it has nothing to do with the pay list, and if that has been the case it has been very improperly done. The muster roll in this country is something similar to the mode in which the laboring population enter a large manufactory in England or Scotland by a turnstile, where every man's name or number of ticket is taken so that it is known whether he is in the manufactory or not. The muster roll is or at all events ought to be called over. I have heard it called over and over again on estates, not from the pay list, but from a small book or slip of paper which has nothing to do with the pay list. And I think that under Act 7 of 1854 absence from the muster roll was punishable whether the man performed work or not.

Q. 3345. Sir George Young—By the same clause (section 12 of No. 9 of 1868,) it is enacted that opposite the name of each such immigrant, opposite the name of every immigrant found actually at work, the word "present" is to be put, and the word "absent" opposite the name of each such immigrant not so noted as at work, or in hospital, or in jail, or absent on leave, and all such last mentioned immigrants who are not noted and entered as at work, but absent, shall be held to have neglected and refused to attend at the calling over of the muster roll, and to have been absent without leave within the meaning of section 11 of the Ordinance, and of sections 118 and 164 of the Consolidated Immigration Ordinance 1864. And then by the following section the muster roll is admitted as *prima facie* evidence. Now, suppose an immigrant contests that entry of "absent," ought it to be sufficient to prove that he was present? Would you say, if he proved that he was "present," the entry of "absent" was a false entry?—A. Of course I should.

Q. 3346. Will you compare that with the proviso in the 12th section—"That no such indentured immigrant entered as absent on any such muster roll shall be held to be absent from the daily calling over of names on the muster roll, or absent without leave as aforesaid, any day on which it shall be proved that he did actually work as duly ordered on such plantation for at least



J. Crosby  
8th Sept. 1870.

seven hours if in the field, or ten hours if in or about the buildings, or that he had leave," and so forth?—A. Well, now, only look at that.

Q. 3347. In the first place, has your attention ever been called to it; does it strike you as a deficiency?—A. Certainly, it is a natural contradiction to the rest of the legislation.

Q. 3348. Would you say the clause prevented an immigrant from gaining his case, supposing he could not prove that he had performed seven hours' work, but could prove he was present?—A. Legally it would be so I am afraid, but I think a magistrate would not convict. I think a magistrate would not convict if he had done four or five hours' work. It shews the loose construction of the Act. The fact is, it requires a very logical mind to draw an Ordinance, or to draw a single section of an Ordinance; it is the most difficult kind of composition known. I could produce plenty of evidence from Bills that have been before the House of Commons to shew that to convey one idea, and one alone, in language, requires a clear and logical mind.

Q. 3349. Do you know whether immigrants usually pay their fines or go to prison?—A. I think they more generally pay the fines than go to prison. You will find that from the magisterial returns.

Mr. Cowie—Perhaps the Commission would ask on that, whether in practice the maximum fine is usually imposed.

Q. 3350. Sir George Young—Do you know what the average fine for neglect of work is?—A. No; but I think the maximum fine of \$24 is very seldom imposed. I mean for breaches of the labor laws.

Q. 3351. An opinion has been expressed that the fines in the most general sense are too heavy?—A. I am sorry to say I have not examined into that point very carefully. I cannot answer it as satisfactorily as I could wish. It depends entirely on the circumstances: repeated absences and things of that sort. Of course, a magistrate would probably be inclined to impose a much heavier fine than in any trifling case, an absence of one or two days for the first time perhaps.

Sir George Young—Now with regard to the question of "passes," we must turn back to section 107, which is rather out of place in the Act.

Mr. Jenkins—Before leaving the subject, would you allow me to suggest that the witness should be asked whether the terms of imprisonment are not too heavy? J. Crosby.  
8th Sept. 1878.

Q. 3352. Sir George Young—Have you formed any opinion on that subject?—A. No; I cannot give a satisfactory answer, though I ought to be able to do so. Our returns from the Magistrates are not so satisfactory as I could wish; I think they should be overlooked by somebody.

Q. 3353. Mr. Jenkins—The term of imprisonment authorized in section 11, of the Act No. 9 of 1868 is double that authorized by the 116th section of No. 4 of 1864, is it not?—A. I believe it is double.

Q. 3354. Sir George Young—In section 116 of 1864 the punishment is a fine of \$24 or one month's imprisonment, but in section 11 of 1868 it is \$24 or two months. Which of them should you say was the most accurately proportioned alternative?—A. Well, there is a great disproportion between \$24 and one month's imprisonment.

Q. 3355. You consider the later alternative to be more proportionate?—A. The imprisonment is more in proportion to the fine certainly. To order a man to pay \$24 who at the most earns \$12 per month, is a very severe punishment; probably it is done upon that principle; but I do not know upon what principles the Act is based.

Q. 3356. Then, should not the fine have been reduced rather than the time of imprisonment increased?—A. I should say that would be the better plan.

Q. 3357. Do you regard the penalty as too heavy then?—A. I should think it is.

Q. 3358. You say you regard this as in better proportion than \$24 or one month's imprisonment, because \$24 was a very heavy fine?—A. Yes; \$12 a-month is about the average earning of an able-bodied man for six days' work per week, therefore I think the relative proportion of the fine to the imprisonment in the former Act was extravagant.

Q. 3359. Mr. Jenkins—I want to ask whether persons who are convicted under this clause, who are suffering penal servitude, are working in gangs with criminals?—A. That I am not aware of; they certainly ought not to be.

Mr. Cowie—Mr. Crosby may probably be aware that in all

*J. Crosby.* cases where parties are convicted for a breach of the Immigration Laws they are sent to the district jails, not to the convict jails, and work on the estates.  
8th Sept. 1870.

Mr. Crosby—I do not think in all cases.

Sir George Young—I think we have it in evidence that it has been the practice in some cases.

Mr. Crosby—Yes ; it has been done in two or three parts of the Colony, but it has not been universally established. In Essequibo, the immigrants are confined in the county gaol of the Colony.

Sir George Young—Now turn to section 107.

Mr. Cowie—Before we go to what seems to be another subject, there is one question which I want to put ; I forgot to do it at the time. With reference to section 7 of Act No. 9, of 1868, on which Mr. Crosby was examined this morning, I want to ask if Mr. Crosby knows when an immigrant is not believed, when he says he is unable to do five tasks but is willing to do a lesser amount of work, what course the immigrant takes ?—A. Upon my word I cannot answer it, but I should think he would make out his case before the magistrate, and I should think if he made out a plausible case the magistrate would act upon it.

Q. 3360. Sir George Young—Did we not arrive at the conclusion that a magistrate had no jurisdiction to give relief to a complainant in such cases ?—A. Well, I do not think he has strictly.

Q. 3361. Mr. Cowie—Suppose the case of the immigrant is this, that he would have been ready and willing to perform a less amount of work if it had been assigned to him, it is not assigned to him and he does not get any wages. Has he no remedy ?—A. I should say he could go into the Petty Debt Court.

Q. 3362. Sir George Young—Could he go into the Petty Debt Court to compel an employer to assign a reduced number of tasks ?

Q. 3363. Mr. Cowie—Or could he go into the Petty Debt Court to sue for payment of the reduced number of tasks he would be enabled to perform ?—A. Yes ; I think he could, if the man had assigned him—say three tasks—and he had done them.

Q. 3364. But if he had been unable to perform five tasks and

the manager did not give him any work at all, could he go J. Crosby. into the Petty Debt Court then? I am taking a case where the 8th Sept. 1870. work has not been assigned?

Mr. Crosby—You mean an implicit agreement?

Mr. Cowie—I am assuming that he had offered to do less than five tasks, but has been assigned no work to do, and consequently, has done nothing. What is his remedy?

Mr. Crosby—I confess I do not understand the question.

Mr. Cowie—The immigrant says he is unable to perform five tasks, but is ready and willing to perform a less amount of work if it is assigned to him. No work is assigned to him under these circumstances, what remedy has he?

Q. 3365. Sir George Young—Suppose the employer does not perform his duty under section 7 and no work is done?—A. Then I am afraid his only remedy would be under section 112 of Ordinance 4 of 1864. He has no practical remedy before a magistrate in such a case. He would come to the Immigration Office, I should investigate the case, and the Governor would remove him under section 112. He does not appear to ~~not~~ have any direct remedy at least, his only remedy would be to proceed against the manager for ill-usage. It is a very strange assertion, but that is the only protective section in the whole of this Ordinance. I should say, it is ill-usage of an immigrant if, when he is willing to take a diminished amount of work, the manager is unwilling to assign him that amount of work; I should say it is ill-usage, because it deprives him of the means of subsistence.

Q. 3366. If you consider it can be brought under ill-usage, let me call your attention to the 99th section, which provides, that if at any time it should appear that any immigrant has suffered in any way any ill-usage, the Immigration Agent-General may lay an information or lay a complaint in his own name, or in the name of any such immigrant; and such complaint may be heard and be determined before the Stipendiary Magistrate of the district, or in any of the Courts of Law in the Colony having jurisdiction to hear the case. Do you understand that that clause is operative now?—A. Oh yes; it is operative.

Q. 3367. Then, it is in your power to consider whether a case of refusal to work cannot be brought under this section?—A. I am inclined to think it would be now left to the discretion of the

*J. Crosby.* Immigration Agent to do it without any interference on the part of the Executive, but there is no power of locomotion. You are shut up from doing anything. You are obliged to go through an application for the hire of a vehicle, and to put up with many inconveniences; that is so great an impediment that it can scarcely be done.

Q. 3368. Now then for section 107. Can an immigrant demand a pass under that section or any other. I mean such a pass as is mentioned in that clause?—A. Oh yes, he can demand it; but it is in the power of the manager to refuse.

Q. 3369. Then he cannot demand it as a right?—A. Not as a right; he cannot even demand it as a right in order to go to the Immigration Agent General under the Ordinance; it is only an indulgence, it is only to protect him from arrest.

Q. 3370. The President—But he does not want it for that purpose?—A. No, not under the late Act. I have had many complaints, I do not know whether they were well-founded or not from immigrants; that they have applied for a pass to come to the Immigration Department, and had not had the pass given to them. The way I have dealt with such cases has been to take the complaint of the man and to write—"This man came to the Immigration Office for a reasonable and just purpose to make a complaint or inquiry, and he has a day or two days to return to the estate," and I generally add,—“I hope that under these circumstances the manager will take no proceedings until the case has been inquired into.” Some such statement as that I invariably give, so as to protect them. Of course, when he is proceeded against, when he has come to the Immigration Office to complain, it is a grievous oppression. In the *Enterprise* case fourteen men were sent to jail, ten of whom came to lodge a complaint of being shut up in the privy, or something of that sort. I applied for their immediate release.

Q. 3371. Sir George Young—Refer to section 12 of Act 9 of 1868. How does that exempt him from arrest? I do not see it.—A. There is no exemption from arrest; that is only what he can plead before the magistrate.

Q. 3372. The President—It does not exempt him from arrest?—A. Certainly not; it refers to another matter altogether. I maintain that under the 107th clause of the Consolidated Ordinance, the man cannot be touched.

Q. 3373. You don't know of any other clause referring to the point?—A. No, I do not recollect any. *J. Crosby.*

8th Sept 1870

Mr. Cowie—Clause 16 of 1868 provides that he is to be taken to the police station, but it does not prevent his arrest.

Q. 3374. Sir George Young—Is it the duty of a police officer to arrest an immigrant who is coming to town to lay his complaint before you?—A. That is a very delicate matter. You will see in my reports that I endeavoured to suppress by every possible means large bodies of Coolies coming to complain to the Immigration Department; because it creates unnecessary excitement, and sometimes apprehension, if the parties are a little excited. I have had as many as 200 or 300 coming to me with their shovels and hoes —

Q. Sir George Young—Let us confine ourselves to the legal point. There is a discretion left, is there not. A policeman "may" apprehend?—A. No doubt, but then what immigrant is subject to apprehension? Supposing a man has completed five tasks on the Monday and Tuesday, I should like to know in what manner that man can be arrested by a policeman on the Wednesday.

Q. 3375. Is there anything exempting a man who has performed five tasks from arrest under section 107?—A. No; there is nothing, except that it is all he is bound to perform; and supposing he has done so, is he not a free person?

Q. 3376. You mean he is not bound to labour?—A. He is not bound to labour; but it is a very nice question, I am only raising it. You have looked at the construction of these Acts with great delicacy, but it is a matter of very great difficulty. The question arises and it ought not to be left in doubt. I have always viewed the immigrant as a free man, save and except he is under a certain obligation of service for five years, to perform five years' service on the estates, &c.

Sir George Young—I am anxious to confine ourselves to the original question as to what is the regulation about passes.

Mr. Jenkins—I should like to know whether the witness is aware of a recent decision upon the last clause of section 12 of No. 9 of 1868?

Mr. Crosby—That about reasonable grounds?

Mr. Jenkins—Yes.

*J. Crosby.*  
8th Sept., 1870

Mr. Crosby—I have not heard of that decision.

Q. 3377. Sir George Young—You do not know of any recent decision upon that point?—A. I have heard of a recent decision, but I do not know the particulars of it. I do not think I have read it.

Q. 3378. You say it is the custom of the immigrants to come in large bodies to town. Is that custom increasing?—A. No, I do not think so.

Q. 3379. Has it increased since about this time last year?—A. There were a great many last year, but I do not know that it increased this year or last year. They have been in the habit of doing it for some years past. Then, as you will see in this report, I commented upon it very strongly in one or two instances. But if they were opposed in doing so would it not give rise to greater evils?

Mr. Jenkins—Perhaps I may suggest a second question, whether the witness knows, whether previously to Mr. Ware's decision the other day, the other Magistrates in the Colony had not been in the habit of convicting in spite of that proviso in section 12 of 9 of 1868—convicting persons who had been absent from work who had been complaining at the Immigration Office?

Q. 3380. Sir George Young—Has that complaint come before you?—A. No; it is possible there may have been cases. As I said before, they have frequently complained of not getting passes, but I am not aware of any having been punished by the magistrates. They very often state that they have asked for a pass, but have not obtained one; but, whenever I have found that there was any reasonable ground for their coming, I have invariably written and taken care to protect them in the way I have described; and I have never known any conviction of my own knowledge, nor have I heard of any.

Sir George Young—We will now pass to section 124.

Mr. Crosby—Oh! there was immeasurable trouble about that in 1865, just after the Act's coming into operation.

Sir George Young—I understand these allotments are no longer required to be paid?—A. Oh no; if you read that clause you will find that advances and allotments are mixed up together. When this Act came into operation I had very great difficulty.

Q. 3381. The repealing clause, section 6, of the Act 13 of 1866, refers only to allotments?—A. Only to allotments. *J. O'Reilly.*  
8th Sept. 1870.

Q. 3382. Do you know whether the plantations have become chargeable to the Colony to any large extent in consequence of section 124 of the Consolidated Ordinance?—A. No; I think they were obliged to put a sponge upon the whole.

Q. 3383. I asked whether the plantations had become chargeable in consequence of the default of the Chinese immigrants to pay the allotments?—A. No; I believe the estates have never been called upon; I believe a resolution of the Court was passed by means of which all claims were done away with.

Q. 3384. Refer to clause 124 of the Consolidated Ordinance. Can you tell whether any large sums had become chargeable on the plantations in consequence of that provision?—A. Oh yes, very large sums. I sent in a report stating the amount due by each estate up to the date of the report. That report went in. I forget when. I think about a year before the passing of the Act, but—it was a most extraordinary thing—it was not acted upon for nearly a year. When I was asked for another report, I said they had had it nearly a year.

Q. 3385. What was the date of that report of yours, do you know?—A. No; but it must be in the Government Secretary's Office still.

Q. 3386. You say it was about a year before the passing of the Act of 1866, which passed a sponge over the whole?—A. It was before that.

Q. 3387. Was it about a year previous to that?—A. I think I can give you a date by referring to a paper I have here. Matters arose with respect to it on the 16th October, 1864, but my report which specified the amount due by each estate went in before that. I think, if I mistake not, it was in 1863, before this Act went into operation. That report shows the exact sum due by each estate; indeed, it is a return, as you may suppose, giving every estate upon which Chinese immigrants were located. The return to which I allude is in the report No. 296, which I sent in Thursday, 24th March, 1864, just before the Act No. 4 of 1864 came into operation, and my endorsement is—"Enclosing returns showing estates on which Chinese immigrants were introduced during the years 1861-2-3, to whom advances were paid in China."



J. Crosby.

8th Sept 1870.

Q. 3388. Then the liability had existed before the passing of the Act of 1864?—A. Oh yes; the liability was under Act 19 of 1860.

Q. 3389. I observe that it says that, "the said proportion of advances," as distinct from allotments, shall become payable by the proprietors of such plantations at the expiration of two years from the date of their indentures. Did any large sums become payable?—A. Very large sums did become payable, although the planters allowed the two years to expire very frequently, and the indentures terminated without a single fraction of the \$20 being paid by them.

Q. 3390. Was \$20 the customary advance?—A. Yes. There was one estate where it was only ten, but usually the men had all \$20, the women \$10, and the children \$5. The advance to the women and children was a gratuity, but the \$20 advance to the men was repayable during the first two years of industrial residence.

Sir George Young—We are talking of different things. Look at the beginning of section 124?

Mr. Crosby—Yes, the advances were made in China.

Q. 3391. Sir George Young—But you say they were payable during the first two years of their indenture?—A. Yes. They paid it back to the estate; the Government advanced it, and the estate was chargeable, and the mode in which the estate was entitled to recover it, was by monthly instalments to be deducted from their wages during the first two years. In a great many instances they did not recover it. In many instances they abstained, and from a very good motive; but they had the power.

Q. 3392. From a very good motive?—A. The motive was this, These people also gave allotments of \$2 per month; the allotments were paid to their friends in China, and charged to them here. Those allotments and the payment of \$20 out of their wages was more than they could possibly pay. In the first two years during the term of acclimatization, they must have been only first class laborers, persons of good physique and constitution who could earn money enough to support themselves and pay \$3 per month. In the return you will see how much was paid and how much was left unpaid. Then you will observe there is a provision in section 124, that if the parties had not paid the money within two years, they were to re-indenture.

They were subject to be forced and compelled to perform agricultural labour in consideration of a debt for which the planters had a civil remedy against them. J. Crosby.  
8th Sept. 1870.

Q. 3393. Will you explain how they were subject to that under section 124?—A. I have not read it for years for it has now passed away.

Q. 3394. Sir George Young—"It shall be the duty of the Immigration Agent General as soon after the taking effect of this Ordinance as practicable, and thereafter at his official visits to the several plantations, to ascertain from every such immigrant by personal inquiry whether he desires to repay such advance and allotment by means of fixed deduction on the wages to be by him earned, or to commute by a reindenture on the termination of his original indenture; and in case such immigrant shall prefer to have the same repaid by a reduction of the aforesaid, the Immigration Agent General shall notify the same to the employer, and thereupon it shall be lawful for the employer to deduct the amount of such advance on the allotment from the wages of such immigrant at a rate not exceeding one dollar per month; and in case such immigrant shall commute as aforesaid it shall be lawful for the Immigration Agent-General, at the expiration of the original indenture of such immigrant to re-indenture him to his employer for such term, not exceeding in any case three years as will be sufficient to defray such amount according to the current rate of bounty then payable." Would that give any power to the Immigration Agent-General, to re-indenture a Chinese who had preferred to pay out of his wages, but had not been able to do so?—A. Certainly not against his will.

Q. 3395. Do you know if any Chinese was indentured against his will?—A. I believe there was one.

Q. 3396. Against his will?—A. Oh no; not against his will. I believe, there was one who re-indentured on payment of \$50 without any deduction of the \$20 advanced. I think, there was only one who complied with the provisions of this Act. But that can be easily ascertained, because in 1865 I had two visits paid throughout the County of Demerara, one to deal with the Indians and one with the Chinese, for the reason that I thought it would create confusion to mix them up together.

Q. 3397. We are to understand clearly that you think there is no power under this Act, and that practically the thing was never done—that a Chinese immigrant was never reindentured at

*J. Crosby.* the end of his first term upon the ground that he had not paid  
8th Sept. 1870. the money for his allotment?—A. No, not one.

Q. 3398. You mean that the debt was forgiven, and that if they would not reindenture they were not bound to reindenture?—  
A. Yes; I told them the planters had only a civil remedy against them.

Q. 3399. You are speaking of the time before the liability was forgiven?—A. Yes.

Q. 3400. You say that when the Chinese came to reindenture you took care to explain to them that they were not bound to do so?—A. Certainly; it was money advanced to them in China; and it was payable by them by civil process; they could not be compelled to enter into indenture as agricultural labourers in order to pay it.

Q. 3401. Mr. Cowie—Will the Commission be kind enough to ask whether the Chinese who reindentured on bounty did not repay the advance?—A. Yes, they did, many of them, out of the money which they received on reindenturing,—the \$50. They did repay the advance, which was perfectly just, reasonable and proper, and I encouraged it as much as I possibly could do; because they had agreed to pay the money, and they ought to pay the money. But that is a very different thing indeed from forcing a man into an engagement of service as an agricultural labourer.

Q. 3402. Did all those who had repaid the advance get the amount refunded when the Act of 1866 was passed, in accordance with the proviso in section 6:—"Provided that where any of such allotments shall have been already paid, the same shall be refunded to the immigrant paying, by the employer receiving the same, and to the employer repaying the same by a payment from the same fund." The money is to be repaid by the employer and the —

Mr. Crosby—That refers to allotments only.

Sir George Young—Yes; it was a confusion of mine; I was confusing the allotments with the advances.

Mr. Crosby—Yes; it is a confusion arising from section 124, two things are mixed together there very inartistically.

Q. 3403. Sir George Young—What you have said with re-

gard to advances—as to forcing them to re-indenture—does that apply also to the case of allotments?—A. I believe, that in the case of allotments it was found impossible to recover the money from the immigrants; and I rather think it was abandoned in the Court of Policy or in the Combined Court. It fell at last upon the Colony; and then afterwards allotments necessarily ceased—after the first five years; because they were then free agents and entered into separate contracts, very different from that into which they entered in China. I think you will find in all the Chinese indentures ———

J. Crosby

8th Sept. 1870.

Q. 3404. To return to where we were before, I am only anxious to ascertain whether your answer had reference to both advances and allotments?—A. Yes; to both; but more particularly to advances made out there; because both had ceased.

Q. 3405. Not the liability?—A. No, not the liability on the part of the Government.

Q. 3406. On the part of the immigrant?—A. I think when he entered into a new contract his allotments were no longer strictly payable by him.

Q. 3407. Not his allotments under the former contract if they had fallen into arrear?—A. The question never arose. I think the allotment system was quite done away with, and I think that previously to that, a communication from this country had been made to say that no further allotments could be made. I think that when a man entered into any further agreement he was released from all responsibility with regard to either allotments or advances, unless they chose to pay it; which they did in many instances out of the \$50 which they received.

Q. 3408. You do not mean that he was released from the civil obligation to pay?—A. Oh no; the civil obligation continued but it did not form any condition with his new employer; that is what I mean. His new contract was totally distinct and separate from the former one.

Q. 3409. Mr. Cowie—But if he reindentured the employer might go on making the deduction?—A. No.

Q. 3410. Sir George Young—If he reindentured to the same employer?—A. No; I do not think there was any obligation upon the new employer, only in the case of transfers. You are mixing up where parties elected to change employers upon the

J. Crosby. fourth and fifth years; then they carried with them all the 8th Sept. 1870. responsibility.

Mr. Cowie—No, I am not.

Mr. Crosby—You are speaking of a new contract of service for five years; but previous to that you will observe that all the Chinese were entitled to commute, at the end of the second third and fourth years—either at the end of the second, third, and fourth years, or at the end of the third, and fourth years, not only by their own agreement, but by Act No. 19 of 1860. And whenever they transferred their services for the fourth and fifth years they transferred their liabilities also; but the planter was bound if he exercised his power under the Act to deduct it within the first two years, and if he did not the employer who took the immigrant for the third and fourth years was not at all liable.

Q. 3411. Sir George Young—In section 124 it is enacted that “it shall be lawful for the Immigration Agent-General, at the expiration of the original indenture of such immigrant, to re-indenture him to his employer for such term, not exceeding in any case three years, as will be sufficient to defray such amount, according to the current rate of bounty then payable.” Then under that, the amount of bounty payable upon re-indenture would affect the condition?—A. Ycs.

Q. 3412. Then what you mean when you say that the Chinese voluntarily repaid the advances on re-indenturing—was that over and above the bounty being handed over to the employer according to the current rate?—A. Out of the \$50 which the employer paid upon their entering into a further indenture they paid \$20; so that in point of fact they got \$30 only for reindenturing.

Q. 3413. Did the allotments and advances never exceed \$20? A. Oh yes—together; but when I say they voluntarily paid, I mean, not the allotments, but the advances. I do not think they were ever called upon to pay the allotments. I believe very few if any paid the allotments. Very many paid the advances by small instalments during their first term of service. Others paid whatever was due at the time of their entering into another indenture for five years out of the \$50 they then received. Very many others would not pay at all; and against those who would not pay at all, of course, the only remedy the managers had was a civil remedy. That is, if he paid the money to the Colony; that I am not in a position to

answer ; but if he did not pay the money to the Colony, of course he could have no claim. The Colony advances the money in China upon the faith of the planter who hires him when he arrives, refunding to the Colony that \$20 ; and the planter takes him upon condition that he will repay the \$20 within 2 years. The advances to all those who died on the passage, or were inferior laborers who could not earn as much as would pay for their support, of course were lost. But whether in any cases the money was ever repaid to the Colony I am not able to say. The Auditor General will be able to satisfy you on that point ; And it is a matter which is worth inquiry into, not only for matters connected with Immigration, but for other matters which will easily suggest themselves to your minds—matters of vast importance, taking a statesmanlike view of them.

Q. 3414. I notice that this section 124 refers to advances which “ shall have been or shall be made to immigrants in China ” and to allotments of wages to be earned in this Colony, which “ shall have been assigned by any such immigrant in China.” The Act of 1866 repeals so much of section 124 as relates to allotments of wages, and enacts that “ the amount of all such allotments shall be defrayed from and out of the Immigration Fund. Provided that where any of such allotments shall have been already paid, the same shall be refunded to the immigrant paying by the employer receiving the same, and to the employer repaying the same, by a payment from the same fund.” How far back did that refunding go?—A. I am not aware of any sums whatever having been refunded.

Q. 3415. Not under that section 6 of Act 13 of 1866?—A. No ; not that I am aware of. “ Shall be defrayed out of the Immigration Fund.” That is exactly what I said : the Combined Court in 1864 or 1865 said it was of no use whatever these allotments being carried on any longer ; the money had been expended, and could not be recovered from the immigrants and it was entirely swept away.

Q. 3416. The money had in fact been paid out of the Immigration Fund, and this was merely an undertaking of the burden by the Immigration Fund?—A. That is all.

Q. 3417. I suppose this system of allotment went back to the beginning of the Chinese Immigration?—A. Yes, in point of fact, I believe that but for that, immigration from China never could have been successfully attempted.

*J. Crosby.* Q. 3418. But for the system of allotments?—A. And also the  
8th Sept. 1870. system of advances. The allotments were made as a sort of consolation to the families remaining in China for their relatives' leaving. The emigrants left it in many instances to fathers and mothers and other relatives.

Q. 3419. And when this system ceased was it the termination of Chinese Immigration?—A. Oh no; other causes led to that.

Q. 3420. Immigration went on after the allotment system ceased?—A. Oh yes; I think, that in the latter ships, there were no allotments at all. There were always advances, I think; but in many ships latterly the allotments had ceased. I can establish that fact, I think, by reference to those which arrived in 1865 and 1866.

Q. 3421. Those were the last two years in which immigration from China existed?—A. The very last two ships; I dare say if you refer to that indenture you will perceive that —

Q. 3422. You do not remember whether any payments were made out of the Immigration Fund to employers in consequence of the passage of the Act of 1866, section 6?—A. I do not know of any sums of money being refunded.

Q. 3423. Mr. Jenkins—I should like the witness to be asked whether he knows whether there were any allotments made by male immigrants from China who left wives and families in China?—A. Oh! a great many.

Q. 3424. Who left wives and families in China and made allotments to them?—A. Well, I cannot say of my own knowledge that they were made to wives, because we did not know to whom the allotments were payable, that was done in China. I do not think we had any knowledge or any means of ascertaining to whom the allotments were payable. If it was so it has escaped my memory at this moment. It would be immaterial to us in working the Ordinance.

Q. 3425. Sir George Young—You had no reason to suppose that wives and families were excepted?—A. Oh no. Wives and families, fathers and mothers and relations in different degrees of consanguinity were the persons to whom the \$2 were payable.

Mr. Jenkins—What I wanted to get out was whether the

witness knew that immigrants had come here leaving wives and families in China. *J. Crosby.*  
8th Sept. 1870.

Mr. Crosby—Well, I had no distinct recollection; but I have no doubt hundreds did, and I have no doubt they told us so.

Mr. Cowie—There is one matter,—I do not know whether it will properly come in here; but as the Immigration Fund has been mentioned, I wanted to know what it was composed of.

Sir George Young—We are going to request the Auditor General to give us the information.

Mr. Crosby—Yes; you will find my information upon the subject imperfect. The Auditor General is, in point of fact, the officer who has charge of that department of the public service.

Q. 3426. Sir George Young—Have you visited any of those prisons where immigrants are confined?—A. No, I have not; it is one of the things you will naturally say I ought to have done. I admit that. I have conscientiously, and to the greatest extent of my power, performed my duties. I know very well there is a vast amount which ought to have been done that has not been done; but I do not think the fault lies in me. If it does I shall be very glad to accept all the responsibility.

The Commission then, at half past one, adjourned for half an hour.

At two o'clock the Commission resumed.

Q. 3427. The President—Do the Stipendiary Magistrates correspond freely with your Department on the subject of immigration?—A. No; we have no communication one with the other. On the contrary there exists a little jealousy on that point. People sometimes have erroneously supposed that I have interfered as it were with the judicial functions of magistrates; but I have never done so in any one instance. I have never interfered with judicial proceedings. I always submit to such proceedings. If I thought them erroneous I should adopt the proper mode to set them aside. That is, if I had free and unrestrained power under section 99, which I maintain I ought to have, independent of any Governor; subject to his control if indiscretion —

Q. 3428. But defects in the system have been brought to your notice by Stipendiary Magistrates sometimes?



J. Crosby.

Mr. Crosby—To what defects do you particularly allude?

8th Sept. 1870

The President—General defects which the magistrates have seen in the system.

Mr. Crosby—I never found any magistrate in the Colony point out any defect in the administration of any Ordinance whatever.

The President—I do not mean officially, but in private communications?

Mr. Crosby—Never, but one or two with whom I am on familiar terms, and they sometimes thinking that I know a little, have asked me kindly to assist them. One the other day asked me what he was to do in respect to certain charges against some unindentured immigrants. In October last, I wrote him what I thought on the subject, and in February or March the Chief Justice, on appeal, decided in accordance with the opinion I had previously given.

Q. 3429. The President—Mr. Des Vœux was one of those who occasionally consulted you, was he not?—A. Yes; on several occasions he did. I allude to one circumstance particularly. His evidence the other day was to the effect that he sometimes decided cases without taking the evidence in writing. I said he was excessively wrong; that in every case which he decided there ought to be material evidence taken to show in any Court, so that if an action were brought or anything else, the Court might be able to come to a satisfactory conclusion as to the cause of his judgment. I was a magistrate twelve years, and I have never decided a case without having all the evidence before me as clearly as if all the press of England were before me, and my proceedings were to be subjected to their criticisms.

Q. 3430. Was it ever brought to your notice that some managers had given it out that their indentured labourers must be either at work, or in hospital or in gaol?—A. I have never heard that stated with seriousness. I have heard it said, but I never heard it stated with seriousness. If said with a determination to carry out the laws rigidly, it would be offensive and improper. But it might be said in a light, playful manner, without much meaning. There can be no doubt that some are a little more harsh in their treatment than others. Men using that expression might mean to say they would carry out the law most rigidly.

Q. 8431. Have you any knowledge of a petition by a number of planters against a magistrate which was followed by his removal?—A. No; I have no knowledge of it; I may have heard of it at the time, but it has certainly made no impression on my mind. I doubt very much whether I ever knew it in fact. It would not at all be a matter for my interposition or consideration officially.

J. Crosby.

8th Sept. 1870

Q. 8432. There was last year some inquiry made on pln. *Good Hope*, was there not?—A. Yes, there was.

Q. 8433. And it was sent back for re-inquiry was it not?—A. It was for further inquiry. I considered the first inquiry not sufficient, and I directed a second inquiry to take place. I think, if I recollect right, the land was not visited; that minute inquiry was not made which I was accustomed always to make myself. For instance, you will find by these papers, that I have gone five or six miles back and have not contented myself without making inquiry with regard to every point, but have investigated everything on the spot. Some of the most material evidence in these cases I have collected in that way.

Q. 8434. What was it about, do you recollect?—A. I think for an insufficient payment of wages for cutting and stacking wood—forming it into what are technically called “cords.” In stacking that wood there are three different sorts of pieces required in forming those cords. One set of cords is composed of large pieces, which are very easily packed; others are of intermediate sizes and others of mere brushwood. Therefore, there are various prices paid for this cutting and cording; and, I think, the question arose upon that matter.

Q. 8435. Who was the Assistant-Agent sent to make the inquiry?—A. Mr. Gallagher, the senior Sub-Agent, was the person who made the inquiry, and the second report was, I thought, a very satisfactory one. It appeared that not quite sufficient wages had been paid, but there was nothing very wrong. The first inquiry was not quite sufficient; there was not enough to show there was any great grievance, and I thought it absolutely necessary that a further inquiry should be made. It was then very satisfactory: If I mistake not that was in 1869. The 17th June, I see, is the date of my letter enclosing Mr. Gallagher's report.

Q. 8436. What was that inquiry on pln. *Wales* made by you

**J. Crosby.** and Dr. Shier?—A. That was, if I recollect right, in relation to people on the estate not having their proper supplies of provisions when in hospital. The proper dietary scale was not properly carried out; there was something else which I do not properly recollect. It was a matter more particularly with Dr. Shier, as Medical Inspector of Hospitals, and he consequently drew up the report, which, of course, I signed. That inquiry was made somewhere about Decr., 1867, I think. I see I have endorsed on the back of it, "mortality for the half year ending Dec., 1867." The inquiry was made I see in April, 1868, therefore, it arose, I think, from excessive mortality on the estate during the half year ending 31st Dec., 1867, which, probably, was not sent in till early in 1868, and, I suppose, the 7th of April or thereabout had arrived before an investigation was ordered. The investigation was ordered under very peculiar circumstances by Sir Francis Hincks. I see that we actually made the investigation on Friday the 24th of April, because I sent in a sort of apology to the Governor for not having answered some communication from him on that day. Dr. Shier and myself started at 8 o'clock in the morning and returned a little after 4. The evidence in that case must have gone in with the report, which I always forwarded to the Governor. Dr. Shier is more particularly the person on whom the Governor would rely in a matter of that sort. I was included as a matter of official routine. Dr. Shier's report can be easily obtained from the Government Secretary's Office. It would be sent in soon after the 24th February, 1868. The correspondence which caused that report to be made, and the statements which led to the investigation, I have no record of myself individually; but they can be obtained either from the Government Secretary's Office or the Immigration Department. I think everything which is material will be found in the Government Secretary's Office.

**Q. 3437.** Can you mention consecutively what are the defects which you find in Ordinance No. 4 of 1864, as amended by Ordinance 13 of 1866?—A. It really would require great study and care to point out that. I did give it some years ago great study, but I have not given it perhaps as much as I ought to have done since 1864, because I was of opinion at the time of the passing of the Act that it was so defective that it would be perfectly impossible to have it a satisfactory statute. It is a very difficult thing indeed to regulate coercive labour. It requires the greatest restraint and watchfulness and the greatest care in the passing of any Ordinance to secure it. It would be, perhaps, as great an effort in the creation of law as could possibly emanate from the mind of man. It is unknown—coercive and

forced labor is unknown anywhere else except in a few of these *J. Crosby* Colonies. To regulate it is a matter of vast importance and *8th Sept. 18* requires a most intelligent mind.

Q. 3438. Sir George Young—Have you noticed, Mr. Crosby, any great disproportion in the number of investigations, in the County of Demerary, as compared with the Counties of Essequibo and Berbice?—A. Yes, I think they have been greatly in excess of proportion in Demerary.

Q. 3439. To what do you ascribe that; are the Demerara estates supposed to be worse managed than the rest?—A. No, I do not mean to say that, far from it, I should think.

Q. 3440. Are the complaints greatly in excess?—A. Oh ! I think so, greatly. I think that you will find the estates in Demerara are much larger, and they have more familiar communication with town.

Q. 3441. What is the distance from Georgetown of the boundaries of the other two Counties?—A. The boundary of the County, Philadelphia, on the West Coast is, I think, about 20 miles, 18 or 20 from the ferry.

Q. 3442. Sir George Young—I believe it is not as much, as far as I remember.

Q. 3443. Mr. Crosby—18 miles, I think, is generally considered the distance.

Q. 3444. Sir George Young—On the Berbice side, do you know how far it is?—A. The Demerara boundary, so far as estates are concerned, goes no further than Mahaica. There is only one estate at Mahaicony.

Q. 3445. I mean the first estate within the Berbice boundary ?  
A. I think the first estate at Mahaicony is forty miles distant.

Q. 3446. Is it possible for Coolie immigrants to come from Berbice to make complaints?—A. Well, they have come, strange to say.

Q. 3447. How do they do it?—A. They either come by the steamer or by some means or other. It is not unfrequent. I prefer their coming to head quarters. We had a Sub-Agent residing in Berbice for some time ; it was the greatest obstruction to the work of the Department, and sometimes he had nothing to do.

*J. Cusby.*

8th Sept., 1870.

Q. 3448. How long had you that Sub-Agent in Berbice?—A. I think about two years. At least I got the Governor to do away with it and he was transferred to head quarters, where he was of some service.

Q. 3449. Does it not operate as a great practical difficulty the long distance the immigrants have to come?—A. No, I do not think so; and there would be very little necessity if the laws were properly framed.

Sir George Young—I am speaking of the present law, and the difficulties existing under present circumstances.

Mr. Crosby—Well, it is a difficulty, certainly. They ought to have easy access to the magistrates, and the magistrates ought to have an easy method of investigating their complaints. They have no means of doing that, and they cannot do it satisfactorily, for this reason: because they have no appraisers of labour. I am of opinion that there ought to be assistance rendered to the immigrant by the Immigration Department; and I consider that as inconvenient as it might be, it would be better for the person rendering that assistance to be despatched by the head of the Department, from head quarters, by residence at Berbice.

Q. 3450. Then you would propose to get over the difficulty of the great distance, by giving the immigrants easier access to the Courts of the magistrates, not by giving them easier access to the Immigration Office?—A. I do not know how they would get easier access to the head of the Department. I think that if the immigrants had undoubted confidence in the administration of justice by the Stipendiary Magistrates, there would be but few references to the Immigration Department, save and except that I still think no immigrant can conduct his case before any magistrate without the assistance of the Department, especially during his first and second years, until he has become accustomed to the ways and means of things. And I, at once, admit that if we had the same class of persons here in the Police Force as we have in England—such for instance as the Superintendents of Police who take upon themselves the duty of conducting cases in Court, and as I have seen as ably almost as professional men could conduct them—then I should say that the Police of the district might be able satisfactorily to conduct the cases of immigrants before the magistrates. But, as it is, an immigrant is totally powerless; that is, as a general rule.

Q. 3451. You say that if the immigrants had undoubted con-

fidence in the administration of justice by the Stipendiary Magistrates?—A. I have been obliged almost to answer in that form from the mode in which you put the question. J. Crosby  
5th Sept 1870.

Q. 3452. The President—Do you consider the Magistrates very much over-worked?—A. In some districts ; in others they are very much underworked, for they have literally nothing to do.

Q. 3453. Which are the districts in which they are over-worked?—A. I think the East Coast district. Mr. Ware's district is very extensive, and I should say he is overworked.

Q. 3454. Another?—A. Well, the West Coast I should think is a difficult district. And then again you must recollect that these gentlemen have no trained clerks.

Q. 3455. The West Coast you consider difficult?—A. There must be a great deal to do. I think there are twenty estates on it.

Q. 3456. Any other? Just mention these magistrates who are overworked?—A. I do not know that the magistrate of the West Coast is overworked, but he has a great distance to travel.

Q. 3457. You say it is difficult?—A. Yes. And the East Coast has not only a very large immigrant population, but also several large villages. The magistrate must have a very great deal to do with the Creole population, and in that district there is only one clerk. I am convinced that no man can do the duty properly with one clerk. I speak from experience. I myself was on the East Coast but I had rather a different division. I had from town to *Nonpareil*, which comprehend four or five very large villages, and I had two clerks. The clerks were paid by fees, and I divided the fees between them proportionately ; that is how they were paid, and they were constantly employed. Then, as I said before, these gentlemen are not trained men. They are picked up anywhere and any how.

Q. 3458. Mr. Cowie—May I suggest that Mr. Crosby may be asked whether he thinks, that, as a matter of fact, the Immigrants do not get justice from the magistrates?—A. That I will not pretend to say, but in some other portion of the investigation, probably, I shall call your attention to one particular clause of the Act ; and the report will be laid before you, from which it will at once be seen whether, in your opinion, the magistrates do exercise a sound discretion, and administer the law equitably. It is as to clause 124.

**J. Crosby.** Sir George Young—I think we had better go into it now if 8th Sept. 1870. you are prepared.

Mr. Crosby—You ask me whether I am prepared. In point of fact, you have taken me without any premeditation on any subject. I could, I think, satisfactorily go through every clause of this Act which has come under my notice, but it must still require some time to arrange a method, so as to make you masters of the subject.

Mr. Cowie—My question was to be a perfectly general one, whether Mr. Crosby thinks the immigrants do not get justice?

Sir George Young—I understand that Mr. Crosby declines to answer that question, and I do not press it myself.

Mr. Crosby—I really should not like to reflect on any body of gentlemen in any possible way, because I am quite convinced there is no corrupt motive whatever, there is nothing of that sort existing, and I do not wish to object personally or obnoxiously to any person whatsoever. I take it for granted that a man does to the best of his judgment and ability; but if he has not ability and judgment, and if he has no knowledge of the matters that come before him, then I say he is improperly placed.

Mr. Jenkins—May I ask Mr. Crosby if he has any reason to believe, from conversation and intercourse with immigrants, that they have not undoubted confidence in the administration of justice?

Sir George Young—I think we have just had a direct answer to that question. Mr. Crosby has said if they had undoubted confidence in the administration of justice, there would be few references to the Department.

Mr. Jenkins—I will take the implication if you like.

Q. 3459. Sir George Young—Will you point out the matter at which you hinted with regard to section 125, the provision with regard to Indian Immigrants threatening their wives?—A. It is a very important branch of the subject. Under the 125th clause there is a very vast amount entrusted to the magistrate. And, when you see all the cases—and I do sincerely hope you will see every case—you will come to that conclusion. Then you will be able to judge for yourselves of the way in which the administration of justice must be conducted, with reference to other matters as well as in reference to this.

I have been obliged to separate parties continually who have cohabited together for a term of years and who have had children, because a magistrate has said such and such a person must be sent away from that estate; without, in my opinion, the whole cases and the whole circumstances being fairly and properly entered into. And although I am quite sure that whatever has been ordered has been done with the greatest purity of intention, and to avoid greater mischief—probably the destruction of the individuals themselves, the murder of the women and the execution of the men—still in my opinion this clause of the Act has been most improperly carried out.

*J. Crook.*  
8th Sept. 1870

Q. 3460. Do you mean that the magistrates' discretion has been used improperly?—A. Discretion has not been well exercised.

Q. 3461. Do you mean that the section has been put too often into operation or not often enough?—A. I cannot say it has been put into operation too often. I think the grounds have been sufficient, but I think that if they had been properly sifted the seducer would have been sent away. Because the origin of the quarrel should be inquired into, which is scarcely ever done. If you saw my difficulties and the difficulties which the Governors have had to contend with, you would see how painfully in one respect, though probably favourably in another, because it may have prevented bloodshed, the course pursued has operated. The extreme violence of feeling in the Asiatic, in whom the passion of jealousy is so great as to be perfectly uncontrollable,—unless it is combated with great care, and unless great deliberation is exercised in the investigation of cases by the magistrates, bad results may be the consequence. I think you will find that in three-fourths of the cases there have not been sufficient pains taken, and the conclusion arrived at has been adopted too precipitately. I judge from the circumstance, because almost every case of difficulty between men and their wives, when they have come to my office and I have examined into the matters, they have gone away happily, and there has been no necessity for separation. I know it is a great matter of difficulty. It requires patience and great self-control. It requires a great deal in a magistrate to do what, I think, he ought to do under that 125th clause. The first case that ever occurred was a case on the *De Kinderen* estate. *Dawson v. Haranje*. I found the magistrate—who was a gentleman, a member of the bar, Mr. Huggins—although he seemed to have taken great pains, still, I think, taking rather an erroneous view of the construction of that clause of the Act, which was very likely, because he had not given it as much con-



J. Crooby.  
8th Sept. 1870.

sideration probably as I have done. A long correspondence took place, and at last it terminated a little angrily. The matter was then referred to the Government Secretary, and, in consequence of that, a series of instructions dated 12th October, 1864, were drawn up by the Attorney-General founded upon the very letters I had written upon the subject; for the instructions are almost *verbatim*, what I had written. These instructions were given to the magistrates. Yet you will be a little surprised when I state that although these instructions were given on the 12th of October, 1864, I never saw them and knew no more of them than you do, until 1867 when, by accident, I obtained a copy in the Government Secretary's office, and I found them little more than a transcript of my own letters. The mode of procedure was pointed out in these instructions drawn up by the Attorney-General with great care, and if they had been acted upon throughout, I believe it would have been much better.

Q. 8462. What were the points upon difference of opinion as to the construction of the clause arose?—A. Well, they did not know whether they were to make an order of removal, and to point out the estate to which the immigrant should be removed, and whether they were at liberty to remove only one or other of the parties, the husband or the wife, or the party who was the seducer in the case, and they did not seem to take into consideration that they must examine into the whole of the facts. They seemed to think that, as in the case of parties going before a Justice to obtain securities to keep the peace, the mere information on oath was sufficient.

Q. 8463. They did not accept the ministerial responsibility which was laid upon them?—A. No. You see the words are, they are "required to" inquire on oath into all the circumstances, and "to order, if he deem it necessary so to do, the removal to some other plantation of such one of the parties concerned as in his discretion he shall select."

Q. 8464. And there was a question in these cases whether the seducer was one of the parties concerned?—A. Yes; the word "parties," it was sometimes held, had reference to the woman who might lay the information, or to the manager of the estate who from circumstances with which he had become acquainted might lay it, and not to the person who was primarily implicated, probably as the seducer of the man's wife. Then a question arose whether he could commit with or without hard labour, and

they committed very frequently until the Governor's pleasure was known. In the 126th clause the mode in which the magistrate should act is distinctly pointed out. If the Governor approves of the course recommended by the magistrate the indenture may be cancelled and the offending party indentured to some other employer who would be willing to accept his or her services; and, in the preceding clause, the magistrate is directed forthwith to forward a copy of the proceedings to the Immigration Agent General to be by him laid before the Governor for approval. I never get the information. I get the evidence, but as to the order of removal being drawn up, that is never done.

*J. Crosby.*  
8th Sept. 1870.

Q. 8465. The order of removal under the section is never drawn up?—A. Never. I in one case sent down to one magistrate a form of the order of removal. He only orders the removal. It is for the Immigration Agent General to find out who is willing to accept the services of the party removed. There is great difficulty in that. The man who is guilty of the threat is sent to jail, and there are very few who will accept the man's services and pay the whole amount due for the proportion of the bounty or passage money for the unexpired period of the term of service for which the immigrant is indentured. You will find in the Bill I drew—though it was by no means perfect on the point, still—it diminished the amount. I said that the man in jail should be allowed to make an election where he should serve, and, if the proprietor of the estate selected should be willing to accept his services, one half the amount due should be paid by the Colony, and the remaining half by the employer who so accepted his services. Because it was by the interference of the Executive, and for the purposes of the administration of Criminal Justice, that the transfer was made. I thought one half at least of the sum remaining due for bounty or passage money should be paid by the Colony, and that if the men were sent to a distant part of the Colony, which we invariably do, the planter accepting his services should pay the other half.

Q. 8466. Practically, is it found there is much difficulty in reindenturing these men?—A. There have been very great difficulty indeed. Where women are concerned—since there are very few women on estates—attorneys are very well satisfied to get the women, but if it is a man it is a difficult thing to find any one willing to accept him. Indeed often there is difficulty in the

*J. Crosby.* case of women, because frequently they are very bad and give  
 8 h Sept. 1870. great cause of jealousy to the men.

Q. 3467. Has the general effect of the clause been to diminish frequency of murders by Coolies of their wives?—A. I think we have prevented a great many. It has been carried out with great anxiety by Sir F. Hincks and Mr. Scott, and I do believe that, in many instances, we have prevented murder.

Q. 3468. Mr. Cowie—May I ask if Mr. Crosby means that husbands have been removed in cases where they ought not to be removed?—A. I think so in many cases; I think parties have been removed in cases which ought to have been settled, and which might have been settled if the magistrates had been careful.

Q. 3469. The President—It is the husband then and not only the wife who is removed?—A. Generally it is the husband who is removed, and the husband is generally the least to blame of the lot. Somebody has taken away his wife, and that person is the most guilty.

Q. 3470. Sir George Young—I suppose it is more easy to find a new master for the husband?—A. Yes, and the seducer very often goes unscathed. I was wishing to draw the attention of the Commissioners to the Marriage Ordinance, which forms part and parcel of the question of wife-murders. The subjects are almost inextricably involved, and you cannot entirely dissociate them. You will not see your way through the difficulties all at once. It is impossible. Forced, coercive labour is a complicated system from the beginning to the end.

Q. 3471. What is the reason that the magistrates most frequently remove the husband?—A. Because the wife swears she fears he will commit some act of violence, and probably murder her.

Q. 3472. So that he comes before the magistrate as the guilty party?—A. Precisely. I have seen instances in which a woman has said she is afraid of her husband, and without any inquiry the man has been sent away; and the Governor has felt that there was a fear of evil consequences arising, and on that ground has sanctioned the removal; although, if the case had been thoroughly investigated, most likely the seducer would have been removed, and the woman would have gone contentedly back to her husband. I have been much distressed to be obliged to separate people who have been living together ten or twelve

years, and have had children. It has been a very painful thing. *J. Crosby.*

8th Sept. 1870.

Q. 3473. Mr. Cowie—Perhaps I may be allowed to ask whether the mode of working the section which has generally resulted in the removal of the husband has been made a subject of remonstrance by the planters?—A. In one or two instances it has, because the husband was an able-bodied man and the other weakly. And I will shew you one occasion when the greatest influence was used by the proprietor of the estate, because the man who was ordered to be removed was a driver on his estate, possessed of a number of head of cattle, already who having a wife of his own, had robbed another man of his wife; but I am happy to say that Mr. Scott, in the first month or two after his arrival, insisted upon the removal of that man. The man was sent to *Hampton Court* and the woman to *Albion*. And, I am happy to say, the Governor has acted upon that principle since; he has never deviated from it.

Q. 3474. The President—You say interest was made by a member of the Court of Policy?—A. Yes; but as I told the Governor when he came here, those were the very men that ought to be restrained, men in high positions, and although the greatest influence was attempted to be exercised because the man was not permitted to remain on the *La Grange* estate, he was not.

Q. 3475. To remain on what estate?—A. He was sent to *Hampton Court*.

Q. 3476. From what estate?—A. From the *La Grange* estate; and the woman was sent to the *Albion*. The manager protested against the man being removed, but I am happy to say his protest had not much influence. This series of cases will unravel a great deal.

Q. 3477. Sir George Young—This overseer, was he indentured?—A. He was a driver; but he was a very influential person.

Q. 3478. Was he an indentured immigrant?—A. He was, and a very important person. I believe he had property on the estate to the amount of \$2,000, and that was urged as a reason for his remaining. These documents are worth perusal from the beginning to the end. They are all tied up in a separate paper in the Immigration Office, and can be referred to at any instant of time. This has been a subject of very great anxiety both to Sir F. Hincks, Mr. Scott, and myself. Yet I am not satisfied of the manner in which the Act

**J. Crosby** has been carried out. The reasons for my dissatisfaction are patent. In my minute upon every case sent to the Governor, my reasons are there stated.  
 8th Sept. 1870.

Q. 3479. The President—What was it you said about the Marriage Ordinance No. 10 of 1869?—A. No. 10 of 1860. In section 11 or 12 you will see the words “entice or take away.” The difficulty in going before a magistrate is to prove that enticing and taking away. I had two very interesting cases which I can give you—one in connection with a Chinese, which took place, I think, if I mistake not, on the *Industry* estate, and, if I mistake not, it was tried by Mr. Ware. It took place between three Chinese, a man, a woman, and a third party who had, according to the terms of the Act, enticed away the woman from her husband. I have had to comment upon, and to draw attention to this subject repeatedly. The words of the Act are:—“If any person shall entice away from her husband any woman whose marriage shall be duly registered under this Ordinance.” They must be *de facto* married people. By section 126 the wife or reputed wife of a man with whom he may have for however brief a period of time cohabited, may put this section in operation, but in No. 10 of 1860, the people must be married. If they came here registered as man and wife, we take that as evidence that they were legally married in India; if otherwise, they are either married on their arrival in the ship, or they are married before they are allotted to estates, or they are married subsequently if they please under sections 2 and 3 of No. 10 of 1860. No. 2 has reference to the marriage of immigrants on their introduction, and 3 to the marriage that takes place between parties resident in the Colony. Now it is necessary to prove the actual enticement, and there is the difficulty. Sometimes the women go away without enticement at all, an ill-inclination possessing them on their own part. Enticement under such circumstances could not be proved. In the case of the Chinaman, it could be proved and he was fined \$24 or a month’s imprisonment. Nothing more was heard of him. The man and woman went away contentedly. The gay Lothario paid his \$24 and away he went. Now, in another case which occurred in regard to Indians on the *Enmore* estate, in which Mr. Gordon, the manager at that time of the estate, assisted me in every way. I went up there before Mr. Fraser, the Stipendiary Magistrate, and endeavoured to prove that the man had enticed the woman away, but I could not prove it, and Mr. Fraser dismissed the complaint. However, after that, from writing to Mr. Gordon and Mr. Gordon using his influence, I got the seducer to consent to be removed from the

estate, and the parties, I believe, became reconciled. They lived together again and may be doing so now. These were two particular instances; upon them I founded a report in which I pointed out the necessity of the Act being amended; I thought that if the woman was found in the house of another man, it ought to be taken for granted that she had been enticed away, and there was no necessity to prove enticement, and that the \$24 fine, instead of going into the public chest should go into the pocket of the man who had received the injury. You think that would be a difficulty, but I am still very much inclined to hold to the opinion. I think it ought not to be treated entirely as a criminal offence any more than it is in England; but even if it is regarded as a criminal offence, I would give the man injured amends. I know it would lead sometimes to more litigation than is probably desirable, but I am convinced it would almost entirely do away with wife-murders.

J. Crosby.  
8th Sept. 1879.

Q. 3480. Mr. Cowie—Would the Commission mind putting this question. Taking the case of a man and woman coming here from India presumably married, I want to know whether, under the 12th section of Ordinance No. 10 of 1860, it is considered that as between such persons community of property results from their marriage and the husband is responsible for the debts of the wife?—A. Upon my word that portion of the Act has never come under my notice. They are treated as man and wife. The Administrator General knows perfectly well it is the case, and in matters which have come before him I have given certificates of that fact.

Q. 3481. But are the consequences of the English or Dutch law supposed to follow?—A. Well, I do not know; it seems to imply it certainly.

Mr. Watson, the Administrator General—Perhaps the Commission will permit me to say that I have invariably acted in that sense. On getting a certificate from the Immigration Office that a man and woman came to the Colony as a married couple, and one has died, I have invariably dealt with their property as being held in community according to the Dutch law.

The President—We must recollect to ask you that question when we examine you, Mr. Watson.

Mr. Crosby—Yes; that is exactly what I said.

Q. 3482. Sir George Young—It is considered as a marriage in this Colony with all its incidents?—A. Certainly; it is of great

J. Crosby.

24th Sept. 1870.

importance with regard to the deaths of either party, and with regard to the children, because the children are legitimized.

Sir George Young—I want to ask a question with reference to the 10th section of Act No. 9 of 1868—"Any employer to whom immigrants are indentured on arrival may, subject to the approval of the Governor, supply such immigrants with rations during a period not exceeding the first four months of their service under indenture, according to a scale of dietary and at fixed prices to be approved by the Governor; and, in such case, the employer may deduct the cost of such rations from the wages earned by such immigrant." Has that section been taken advantage of to any extent?—A. In some instances, but not to any great extent. It has not been signified to us, but I believe a very great many of the best managed and best conducted estates do feed their people without any reference to the Immigration Department.

Q. 3483. Without seeking the approval of the Governor?—A. Yes; I think they do. I recollect only one case within the last twelve months; that is the case of *Waterloo*, in Leguan.

Q. 3484. *Waterloo* came under this section, did it?—A. Yes; I do not recollect any other case; but on the 1st of January, 1867, I sent a circular round which I will hand up, a printed circular to the estates.

Q. 3485. Mr. Cowie—May I ask Mr. Crosby how the case of *Waterloo* came under the section. Did they apply for the approval of the Governor?—A. Yes. They applied officially through me. I submitted to the Governor that it was a very proper application to be made and I wrote to them accordingly. But I sent a circular to every estate in the Colony pointing out the great advantage there was in this dietary system in hospitals.

Q. 3486. Sir George Young—Does this paper refer to diet in hospitals?—A. Yes, it does. I have made allusions to the dietary in hospital being carefully observed.

Sir George Young—But this is a different subject. It has no reference to hospitals at all, but to ordinary rations.

Mr. Crosby—This was rendered necessary in consequence of a report of Dr. Shier, in which he says, that of the deaths 65 per cent were of those who had not completed their first year of

service, and that the system of dietary on arrival should be carried out for a period of time sufficient to enable the people to be better acclimatized, and telling them at the same time that the dietary given in hospitals from reports which had been made was insufficient. J. Creedy.  
24th Sept. 1870

Q. 3487. Do you speak from Dr. Shier's report?—A. Yes; my information was entirely derived from Dr. Shier's reports. This was on Wednesday, the 2nd January, 1867.

Q. 3488. Do you consider four months sufficient, or would you prefer to see the time extended?—A. I should prefer to see it extended to twelve months. I would give an immigrant the option if he chose of maintaining himself, but that should be only done here after very careful investigation, and with the authority of the Governor. Because it sometimes happens, probably, that in an allotment of fifty men there may be ten very able-bodied men, shovelmén, and they would rather be independent and provide for themselves. That is quite possible and I believe it not unfrequently happens.

Q. 3489. I should like to be supplied with the scale of dietary. Is it a document of your office?—A. There was a scale made up but it was never issued. I got three or four gentlemen to give me a scale and they did so. It was intended to be issued, but unless it was carried out by legislative enactments, it could not be enforced.

Q. 3490. Not under this clause?—A. It might have been adopted under this clause, but it never has been published as an authentic scale of diet.

Q. 3491. Mr. Mitchell—Was any price attached to the food in that scale of diet?—A. Oh, yes; it was carefully estimated.

Q. 3492. Sir George Young—Is the scale of dietary on the estates which have applied under this section approved for each individual estate?—A. There has been no scale of diet given, even to *Waterloo* for instance.

Q. 3493. Then, what has been done in *Waterloo*?—A. I may say scarcely anything has been done.

Q. 3494. Has the approval of the Governor been formally given?—A. No, it has not.



**J. Crosby.**  
 8th Sept. 1870. Q. 3495. Then, in point of fact, this section has not been tried at all yet?—A. To a very limited extent. A great many estates do carry it out, but not authoritatively through the government.

Q. 3496. Can you give us the names of any estates which do carry it out not authoritatively through the government?—A. No, I cannot, it is not communicated to us. I have only heard it by accident. I think on the *Great Diamond* estate Mr. Field carried it out. I believe he was one of the gentlemen to whom I referred, to ascertain what would be a reasonable and fair dietary scale, but the dietary scale, if my memory serves me, at ordinary prices, was about a shilling a day, if not a little more.

Q. 3497. Mr. Mitchell—Do any estates carry it out for more than 3 or 4 months?—A. I think not.

Q. 3498. None carry it out for a year?—A. No, I do not think any of them, that I am aware of.

Q. 3499. Sir George Young—When you say, "carry it out," do you mean that they pay a part of the wages which they are bound by law to pay in full?—A. Yes; I recollect that case which arose with regard to *Great Diamond*. I recollect that Mr. Field thought he was entitled to charge the immigrants the cost of the provisions found beyond the wages they had actually earned within the period of time for which they were dieted. I think that must have been done under the Act.

Mr. Cowie—I do not think Mr. Crosby has answered the question.

Q. 3500. Sir George Young—Do the estates which carry out this section without the approval of the Governor pay in food wages which they are bound by law to pay in money?—A. I think they do; I think that is the way the immigrants pay it. I think the wages actually earned are entered in the books, and the cost of their sustenance put against it. I recollect in the case of Mr. Field that he thought that the expense of the sustenance of the people being greater than the wages that some of the people had earned, he was entitled to have it repaid by the immigrants after the termination of the three or four months.

Q. 3501. But you are not sure whether that was supposed to be done under this section or not?—A. No; I do not know.

Mr. Cowie—Will the Commission ask Mr. Crosby if he is

very confident of the practice of setting off the cost of the food against the wages. *J. Crosby.*

8th Sept., 1870

Q. 3502. Sir George Young—Do the managers balance the food against the wages?—A. It was so in this case, unless I am very much mistaken.

Q. 3503. You say there are very many instances amongst the best managed estates where the provisions of section 10 are practically carried out. How are they carried out?—A. I do not know.

Q. 3504. Is it by deducting from the wages the cost of the food?—A. I do not know.

Q. 3505. Has it ever been a subject of inquiry on the part of the office?—A. I do not think it has.

Q. 3506. If you had reason to believe that wages were paid in food in this way, would it not be a subject of inquiry?—A. Certainly it ought to be.

Q. 3507. Is it permitted by the Act that wages shall be paid in food?—A. It does not say anything about the payment of wages and food. Oh! yes. Under the 10th section the employer may deduct the cost of the rations from the wages earned.

Q. 3508. Of course, they may, with the approval of the Governor, but I am talking of those estates which do, in fact feed their immigrants without the Governor's approval. Do they do so?—A. I believe so.

Q. 3509. What are those estates?—A. I do not know; it is only hearsay.

Mr. Cowie—I was going to ask him to name one estate.

Mr. Crosby—I really do not know.

Q. 3510. Sir George Young—I have understood you to say that some estates do this?—A. So I have heard. The only one which came under my cognizance was the *Great Diamond*.

J. Crosby. Q. 3511. In section 103 of the Consolidated Ordinance, it is provided that the wages of immigrants shall be paid weekly, and on a certain day in each week, without any deduction on account of dwelling house or hospital accommodation, medical attendance, medicines, maintenance, or the services of nurses?—A. So it is. They are never deducted, but this is a separate and distinct thing. Therefore, if a man's earnings are in excess of his dietary, of course, at the end of the week he is paid the balance.

Q. 3512. I am not speaking of estates that come under this section, but of others?—A. I am not aware of the principle upon which they are considered, only in the case of the *Great Diamond*. I recollect writing to Mr. Field and telling him he could not insist upon payment of the value of food exceeding the wages earned.

Q. 3513. You do not know whether the *Great Diamond* scale obtained the approval of the Governor?—A. No; it may have been done, but I never heard of it.

Q. 3514. You never heard of any scale of diet being approved of by the Governor?—A. No; there has been none.

Q. 3515. How are the Coolies generally supplied with food?—A. I believe they purchase their food at the Portuguese shops in the ordinary way. There are shops on nearly every estate, or near them from which they purchase their food.

Q. 3516. Has it ever come to your knowledge that drivers and other persons interested in estates have an interest also in those shops?—A. Oh yes; but we have done everything we could to suppress it, and I believe it is entirely suppressed throughout the Colony. A few years ago it was a very great grievance. They exercised great power and influence.

Q. 3517. Did you find cases of overseers having an interest in shops?—A. No; I never heard of any overseer.

Q. 3518. Or I suppose a manager?—A. No; I never heard of either one or the other. It was a special cause of inquiry on each estate a few years ago, whether there were any shopkeepers, particularly persons under indenture, employed as

drivers on estates, and every thing that could be done was done to suppress it. There may still be solitary instances, but I think it has been almost entirely done away with. J. Crosby.  
8th Sept., 1870.

Q. 3519. Had you the assistance of the managers in putting it down?—A. Yes, I think so very fairly, and also many consequent evils which arose from it. On being brought to the knowledge of the managers and attorneys, they saw the importance of it, and I believed they rendered assistance in its suppression.

Q. 3520. Mr. Jenkins—May I ask whether Mr. Crosby knows, whether the shopkeepers on the estates are charged a rental for their shops?—A. Oh yes.

Q. 3521. And whether that rental is generally a heavy one?—A. Well, I only know, of my own knowledge, one; it is looked upon as a sort of good will; the man having the right to traffic in a certain district. The only case I have ever known of was in the island of Wakenaam, some years ago, where a Portuguese paid \$40, per month for a house which I should have said was not worth \$4; but he had the entire sale of commodities on that estate. That knowledge I gained by a singular coincidence. The attorney of the estate in passing the house pointed it out to me. I did not make any inquiries, because I did not consider it would be becoming, I thought it would seem too inquisitive to ask questions as to the rental, &c. That is the only instance with which I am acquainted.

Q. 3522. Sir George Young—Practically, a shop of that kind would have a monopoly of the traffic of the Coolies on the estate?—A. Oh yes; I think it was the only shop on the estate, and I suppose there would be from 300 to 400 people upon it. It is not a large estate.

Q. 3523. Has an inquiry ever been undertaken by the office to ascertain whether the prices paid by the Coolies are much higher than the prices in town? I mean the prices of provisions and other goods which they purchase in these shops?—A. I do not know whether the Sub-Agents have made any inquiries. The Coolies would be charged at those shops a little more than in town, of course. The difficulty of transit, and, probably, the high rents which they pay, would have an influence on the

*J. Crosby.* prices, of course—would tend to raise the prices of the commodities sold.  
 8th Sept. 1870

Q. 3524. You have never ascertained how much they have been raised?—A. No; we could not do that without going into an inquisitorial inquiry which I do not want to make. We might have priced the articles in the shops certainly, and have ascertained for instance what the value of a sack of rice is. In the whole course of my life I never underwent so much mental fatigue as I have done during this investigation. I do not complain. Your questions have been exceedingly proper, but you have no conception what a strain it is upon the brain. It is, indeed, a very great one; because I have all you three gentlemen on the bench and in front, and one on either side looking upon me askance and with great scrutiny; and, I am sorry to say, that at the fag end of the day, my brain does not work quite as quickly as perhaps it does in the earlier part of the day.

Q. 3525. Mr. Cowie—With reference to this particular subject may I ask whether, at any rate, as regards the estates which are near town, the Coolies do not frequently join together and come into town to buy their provisions?—A. Oh! I believe they do, and divide it proportionately among themselves. They thus get it certainly at a cheaper rate. Sometimes a Coolie comes to town, who, without being a real shopkeeper, will purchase, say a bag of rice, and divide it among his friends; whether he gets a profit on it I do not know.

Q. 3526. Mr. Jenkins—May I ask whether he would not be subject to a penalty for selling goods without a licence?—A. Perhaps he might be; but not if they mutually agree to purchase jointly, and a man received the money in the first instance.

Q. 3527. Sir George Young—But if he made a profit out of the rest?—A. Then he would, I suppose, come under the Licence Act but I think the sharpest-sighted Commissary of Taxation would find it difficult to prove a case. I think the Coolies would be too sharp for him.

The President—Well, Mr. Crosby, we have to thank for you your evidence, and we will release you for the present from any further attendance.

Mr. Crosby—I shall be very happy to attend whenever you require me. There are various matters upon which, I dare say,

you will require information from me before the inquiry is concluded. There is one matter I should like to mention now with your permission. Mr. Cox asked me the last time I was here whether I had not employed the police force or requested that it might be called into action in cases, since the restriction on me was removed. I know of no cases whatever under Ordinance 4 of 1864 that I ever should have thought of calling in the police to carry out. The only cases I can refer to are two, in one of which a party was accused of murder on an estate. I think *Annandale*, a case of the murder of a Chinese woman, in which one or two overseers or drivers, or something of that sort were implicated; and the other, a case in which there was a very ill-founded charge against the manager of an estate on the West Bank for the murder of a black boy. In both of these cases, I believe, I invoked the assistance of the police. I never invited the police to carry out anything under the Immigration Ordinance in my life.

J. Crosby.

8th Sept 1870.

Q. 3528. Mr. Jenkins—May I be allowed to call the witness's attention to clause 15 of the Act No. 9 of 1868? —“Every person who, without reasonable cause, the proof whereof shall lie upon such person, shall, by his example or persuasion, advise or otherwise induce any indentured immigrant to suspend his labor, or to refuse to work, shall be deemed guilty of an offence.” I should like to know, what sort of an offence advising an indentured immigrant by example or persuasion to suspend his labor without reasonable cause would be? —A. I have never seen such a charge; I never knew of a case.

Q. 3529. Will you look at these two summonses? (handing to the witness two papers.) A. I should like to see the evidence on conviction. I should not like to give an opinion without it.

Mr. Jenkins—The charge is—“By your example advising an indentured immigrant to suspend his labor without reasonable cause.”

Mr. Cowie—Well, according to Mr. Justice Patterson, that is a properly drawn summons.

Mr. Crosby—Mr. Jenkins asked me about a case which I did not recollect at all. I have this morning read a note from Mr. Holligan with reference to the case of Seewotohul, in con-

J. Cressy.  
8th Sept. 1870.

nection with that of *Field v. Sohan*. It is quite evident there was a case of that sort on the *Zeelugt* estate. I did not recollect it, but I now recollect distinctly commenting upon it in the report which I sent in in connection with the *Enterprise* estate.

Mr. Jenkins—There is another very important question I should like to put to the witness, whether Sir Francis Hincks, two years ago, issued an order to the magistrates to examine their lock-ups every time they held a Court. Are you aware of such an order?—A. No: I never heard of such an order.

The Court at 3.40 then adjourned.



END OF VOLUME I.







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